

offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Item 13, Division II, it is stated that "It now appears that this [north] extension is proving to be one of the best and most prolific areas in the entire field";

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations, under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that Charles S. Moore, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 1st day of October, 1936 at 10:00 o'clock in the forenoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2277—Filed, September 18, 1936; 12:56 p. m.]

Tuesday, September 22, 1936

No. 136

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

EXCUSING FROM DUTY ON WEDNESDAY, SEPTEMBER 23, 1936, UNTIL 1 P. M., EMPLOYEES OF THE EXECUTIVE DEPARTMENTS, ESTABLISHMENTS, AND OTHER AGENCIES OF THE FEDERAL GOVERNMENT IN THE DISTRICT OF COLUMBIA, WHO DESIRE TO SHOW HONOR TO THE VETERANS OF THE CIVIL WAR UPON THE OCCASION OF THE PARADE OF THE GRAND ARMY OF THE REPUBLIC

To enable those employees of the executive departments, independent establishments, and other agencies of the Government in the District of Columbia, including the Government Printing Office and the Navy Yard and stations, who may desire to join with the citizens of the District of Columbia in showing honor to the veterans of the Civil War on the occasion of the parade of the Grand Army of the Republic which is to take place in the District of Columbia on Wednesday morning, September 23, 1936, at ten o'clock, I hereby order and direct, by virtue of and pursuant to the authority vested in me as President of the United States, that all such employees, except those who may for special public reasons be excluded from the provisions of this order, or those whose absence from duty would be inconsistent with the provisions of existing law, be excused from duty until 1 P. M. on that day.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 17, 1936.

[No. 7450]

[F. R. Doc. 2282—Filed, September 18, 1936; 2:57 p. m.]

EXECUTIVE ORDER

TRANSFERRING CERTAIN LANDS TO THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

California

By virtue of and pursuant to the authority vested in me by section 6 of the act of March 12, 1926, 44 Stat. 203, 206, and otherwise, and in the interest of the national defense, it is ordered that the control and jurisdiction over the following-described property be, and it is hereby, transferred from the Secretary of War to the Secretary of the Navy:

All that portion of the military reservation known as the San Diego Barracks, situated in the City of San Diego, State of California, comprising block No. 31 of new San Diego according to the map of new San Diego made by A. B. Gray and J. D. Johns and on file in the office of the County Recorder of San Diego County.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
September 17, 1936.

[No. 7451]

[F. R. Doc. 2283—Filed, September 18, 1936; 2:57 p. m.]

EXECUTIVE ORDER

ADDITION TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Minnesota and Wisconsin

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and as President of the United States, and in order to effectuate further the purposes of the Upper Mississippi River Wild Life and Fish Refuge Act (43 Stat. 650), and the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the following-described lands, comprising 4,266.62 acres, more or less, in Winona and Wabasha Counties, Minnesota, and Buffalo County, Wisconsin, situated on either side of, or upon islands in, the Mississippi River between Rock Island, Illinois, and Wabasha, Minnesota, and subject to overflow by said River, which lands have been determined by the Secretary of Agriculture to be suitable for the purposes of said Upper Mississippi River Wild Life and Fish Refuge Act, be, and they are hereby, reserved and set apart, subject to valid existing rights, for the use of the Department of Agriculture as a breeding place for migratory and other wild birds, game and fur-bearing animals, and fish and other aquatic animal life, and for the conservation of wild flowers and aquatic plants, to be administered as a part of the Upper Mississippi River Wild Life and Fish Refuge.

FOURTH PRINCIPAL MERIDIAN

T. 20 N., R. 12 W.,
sec. 6:

that part of lots 1247 and 1248, also known as Mill lot or lots, in the First Addition to the City of Buffalo City, Wisconsin, lying west of a line described as follows: Beginning at a point on the south line of lot 1247, also known as the south line of Mill lot, 25 feet east of the southwest corner thereof; thence northwesterly along a straight line to the northwest corner of lot 1248, also known as the northwest corner of Mill lot;

that part of lot 12 lying west of a line described as follows: Beginning at a point on the north line of said lot 968 feet west of the northeast corner thereof; thence S. 24°31' E., 388.0 ft.; thence S. 17°06' E., 530.4 ft.; thence S. 22°12' E., 336.9 ft., more or less, to the northwest corner of lot 1248, also known as the northwest corner of Mill lot, in First Addition to the City of Buffalo City, Wisconsin; thence south along the western line of lots 1248 and 1247, to the southwest corner of lot 1247, also known as the southwest corner of Mill lot, in the First Addition to the City of Buffalo City, Wisconsin; thence south to the south line of said lot 12.

T. 20 N., R. 13 W., sec. 1, lot 2.

T. 22 N., R. 13 W.,
sec. 5:

that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying west of the westerly right-of-way of the Chicago, Burlington, and Quincy Railroad;

sec. 6:

that part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of a line described as follows: Beginning at the southeast corner of said tract; thence north along the east line of said tract to a point 860.0 ft. south of the northeast corner thereof; thence N. 71°34' W., 310.0 ft.; thence N. 39°25' W., 559.1 ft.; thence N. 47°51' W., 426.2 ft., more or less, to a point on the north line of said tract 980 ft. west of the northeast corner thereof;

sec. 18, lots 5, 7, 8, 10, and 11, and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

FIFTH PRINCIPAL MERIDIAN

T. 108 N., R. 8 W.,
sec. 7:

that part of lot 2 lying southerly from the southerly right-of-way line of Minnesota State Trunk Highway No. 3, and northerly of a line described as follows: Beginning at a point on the east line of said lot 1037 ft. north of the southeast corner thereof; thence N. 74°25' W., 574.2 ft.; thence N. 17°45' E., 287.3 ft., more or less, to the southerly right-of-way line of said Minnesota State Trunk Highway No. 3. Also that part of said lot lying riverward of the property line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, said property line being coincident with the northerly right-of-way line of said railroad, and all accretions thereto, if any, excepting therefrom that part described as follows: Commencing for the purpose of locating the point of beginning of the tract to be described at a point on the east line of said lot 1,037.0 ft. north of the southeast corner thereof; thence N. 74°25' W., 524.2 ft. to the point of beginning of the tract to be described; thence N. 74°25' W., 50.0 ft.; thence N. 17°45' E., 50.0 ft.; thence S. 28°20' E., 69.4 ft., more or less, to point of beginning;

sec. 18:

that part of lot 1 lying southerly of the southerly right-of-way line of Minnesota State Trunk Highway No. 3 and northerly of a line described as follows: Beginning at a point on the east line of said lot 790.0 ft. north of the southeast corner thereof; thence N. 57°05' W., 343.1 ft.; thence S. 32°11' W., 88.6 ft.; thence N. 71°05' W., 450.4 ft.; thence N. 31°36' W., 280.5 ft.; thence N. 19°10' E., 70.9 ft., more or less, to a point on the north line of said lot 440.0 ft. east of the northwest corner thereof.

T. 108 N., R. 9 W.,
sec. 1:

that part of lot 1 lying easterly of the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;
that part of lot 2 lying northeasterly of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;
that part of lot 3 lying east of the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;

sec. 2:

those parts of lot 1 lying northeasterly of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;

sec. 12:

that part of lot 1 lying east of the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;

that part of lot 2 lying easterly of the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, and all accretions thereto, if any; also that part of said lot 2 described as follows: Commencing for the purpose of locating the point of beginning of the land to be described at the intersection of the westerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad and the north line of said lot; thence southerly along said right-of-way line 48 ft. to point of beginning of the land to be described; thence S. 50°35' W., 230.0 ft.; thence S. 16°14' W., 398.6 ft.; thence S. 3°06' W., 238.9 ft.; thence S. 89°52' E., 549.0 ft.; thence N. 22°15' W., 318.2 ft.; thence S. 48°21' E., 268.4 ft.; thence east 97.0 ft., more or less, to the westerly right-of-way line of said railroad; thence northwesterly along the westerly right-of-way line to the point of beginning, excepting therefrom the right-of-way of the Minnesota State Trunk Highway No. 3.

T. 109 N., R. 9 W.,

sec. 4, lots 3, 4, 5, 6, and SW $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 5:

lots 1, 2, and 3;

that part of lot 4 lying east of a line described as follows: Beginning at a point on the south line of

T. 109 N., R. 9 W.—Continued.
sec. 5—Continued.

said lot 1915.0 ft. east of the southwest corner thereof; thence N. 35°51' W., 917.0 ft.; thence N. 32°09' W., 632.4 ft., more or less, to a point on the north line of said lot 1,010.0 ft. east of the northwest corner thereof;

that part of lot 5 lying east of a line described as follows: Beginning at a point on the south line of said lot 1,030.0 ft. east of the southwest corner thereof; thence N. 30°46' W., 764.6 ft.; thence N. 49°55' W., 445.7 ft.; thence N. 38°57' W., 499.9 ft., more or less, to a point on the north line of said lot 595.0 ft. east of the northwest corner thereof;

that part of lot 6 lying north of a line described as follows: Beginning at a point on the east line of said lot 270.0 ft. north of the southeast corner thereof; thence N. 34°57' W., 403.9 ft.; thence N. 60°10' W., 238.4 ft.; thence N. 69°21' W., 247.2 ft.; thence N. 35°37' W., 202.5 ft.; thence N. 34°32' W., 402.3 ft., more or less, to a point on the north line of said lot 320.0 ft. east of the northwest corner thereof; that part of lot 7 lying north of a line described as follows: Beginning at a point on the east line of said lot 815.8 ft. north of the southeast corner thereof; thence N. 62°53' W., 926.2 ft.; thence N. 51°42' W., 637.2 ft., more or less, to a point on the west line of said lot 1,603.0 ft. north of the southwest corner thereof;

sec. 8:

that part of lot 3 described as follows: Beginning at the southwest corner of said lot 3; thence north along the west line of said lot 3, 403.26 ft.; thence N. 68°15' E., 990.0 ft.; thence due south 403.26 ft.; thence along a line bearing S. 63°15' W., to point of beginning, excepting therefrom that part lying northerly of a line described as follows: Beginning at a point on the west line of said lot 3, 1,952.0 ft. south of the northwest corner thereof; thence N. 42°39' W., 440.7 ft., more or less, to the northerly line of above-described tract;

that part of lot 4 lying east of a line described as follows: Beginning at a point on the south line of said tract 634.0 ft. east of the southwest corner thereof; thence N. 55°27' E., 451.7 ft.; thence N. 31°12' E., 500.1 ft., more or less, to a point on the east line of said tract 634.0 ft. south of the northeast corner thereof;

sec. 16, lots 1, 2, 3, 5, 6, 7, 8, 9, and SW $\frac{1}{4}$;

sec. 17:

lot 2:

that part of lot 5 described as follows: beginning at the northeast corner of said lot; thence westerly along the northerly boundary of said lot 660.0 ft.; thence due south 825.0 ft.; thence east to the easterly boundary line of said lot; thence northerly along the easterly boundary to its intersection with the section line between secs. 16 and 17; thence north along the east line of said lot to the point of beginning;

SE $\frac{1}{4}$;

sec. 18:

that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of a line described as follows: Beginning at a point on the west line of said tract 396.0 ft. south of the northwest corner thereof; thence S. 24°59' E., 845.1 ft.; thence S. 48°35' E., 223.8 ft., more or less, to a point on the south line of said tract 776 ft. west of the southeast corner thereof;

sec. 19:

N $\frac{1}{2}$ SE $\frac{1}{4}$; that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 1.35 acres, more or less, lying above pool elevation 660.0 M. S. L. Datum.

SE $\frac{1}{4}$ SE $\frac{1}{4}$, excepting therefrom that part lying south of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;

sec. 20, E $\frac{1}{2}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$;sec. 21, lots 1, 2, and 3, W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;sec. 27, lots 1, 2, 3, 4, and 5, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$;

sec. 29:

NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, excepting therefrom that part lying west of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, and also excepting therefrom 0.15 acre lying above pool elevation, 660.0 M. S. L. Datum;

that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying east of a line described as follows: Beginning at the intersection of the south line of said tract and the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, 969.0 ft., more or less, east of the southwest corner thereof; thence east along the south line of said tract 155.0 ft.; thence N. 28°53' W.,

T. 109 N., R. 9 W.—Continued.

sec. 29—Continued.

1,007.6 ft.; thence N. 53°04' W., 219.3 ft.; thence S. 61°19' W., 48.4 ft., more or less, to a point on the easterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad; thence northerly along the easterly right-of-way line 382.5 ft., more or less, to its intersection with the north line of said tract, 203.0 ft., more or less, east of the northwest corner thereof;

N $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 30:

that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad;

sec. 32:

that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 1.50 acres, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

sec. 33:

NE $\frac{1}{4}$ NE $\frac{1}{4}$;

that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 5.30 acres, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 1.05 acres, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

NW $\frac{1}{4}$ NW $\frac{1}{4}$, excepting therefrom the right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, and also excepting therefrom 0.80 acre, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 1.90 acres, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, excepting therefrom 1.30 acres, more or less, lying above pool elevation 660.0 M. S. L. Datum;

sec. 34:

that part of lot 3 lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, including also all platted lots in the Village of Minneiska, Minnesota, excepting therefrom that part lying northerly of the Whitewater River;

that part of lot 4 lying east of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, including also all platted lots in the Village of Minneiska, Minnesota, within said described tract;

that part of lot 5 lying riverward of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, including also all platted lots in the Village of Minneiska, Minnesota, within the said described tract;

that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying north of the northerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, including also all platted lots in the Village of Minneiska, Minnesota, within the said described tract, excepting therefrom 0.65 acre, more or less, lying above pool elevation, 660.0 M. S. L. Datum;

sec. 35:

lot 1, excepting therefrom that part lying southwest-erly of the northeasterly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad.

T. 110 N., R. 9 W.,

sec. 18, lots 4, 7, and 8;

sec. 32:

lots 1 and 2;

that part of lot 3 lying east of a line described as follows: Beginning at a point on the south line of said lot 1,010.0 ft. east of the southwest corner thereof; thence N. 17°05' W., 1,379.8 ft., more or less, to a point on a line through lot 3, 597.0 ft. east of the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 31, said line being drawn from the south boundary of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of sec. 31, parallel with said south boundary and being an extension thereof, due east until said line intersects the lake which forms the east boundary of lot 3;

lots 5, 6, and 7.

T. 109 N., R. 10 W., sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

T. 110 N., R. 10 W.,

sec. 2, NW $\frac{1}{4}$ SW $\frac{1}{4}$;sec. 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$;

T. 110 N., R. 10 W.—Continued.

sec. 11:

that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Beginning at the northeast corner of said tract; thence S. 22°17' W., 408.7 ft.; thence S. 63°20' W., 767.8 ft.; thence N. 81°59' W., 480.3 ft., more or less, to a point on the west line of said tract 633.0 ft. south of the northwest corner thereof; thence south along west line of said tract 331.2 ft.; thence S. 47°01' E., 522.1 ft., more or less, to a point on the south line of said tract 938.0 ft. west of the south-east corner thereof; thence west along the south line of said tract to the southwest corner thereof; thence north along the west line of said tract to the northwest corner thereof; thence east along the north line of said tract to the point of beginning; that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying north of a line described as follows: Beginning at a point on the north line of said tract 938.0 ft. west of the north-east corner thereof; thence S. 38°00' W., 620.5 ft., more or less, to a point on the west line of said tract 835.3 ft. north of the southwest corner thereof;

sec. 12, lot 2;

sec. 13:

that part of lot 1 lying east of Moler Lake; NE $\frac{1}{4}$ NE $\frac{1}{4}$.

The above-described lands have been acquired by the United States through judicial proceedings, and are primarily under the jurisdiction of the War Department, and their reservation as a wildlife refuge is subject to the use thereof by said Department in connection with the improvement of navigation in the Mississippi River; and the uses thereof, and the enforcement of law and regulations thereon, by the Department of Agriculture shall be without interference with any existing or future uses or regulations of the War Department.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
September 19, 1936.

[No. 7452]

[F. R. Doc. 2297—Filed, September 21, 1936; 11:17 a. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 48524]

CUSTOMS REGULATIONS AMENDED—DRAWBACK

ARTICLE 1022, CUSTOMS REGULATIONS OF 1931, RELATING TO THE ESTABLISHMENT OF RATES OF DRAWBACK AND THE AMENDMENT OR EXTENSION THEREOF, AMENDED

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in Section 251, Revised Statutes (U. S. C., title 19, sec. 66); and Sections 313 (1) (U. S. C., title 19, sec. 1313 (1)) and 624 (U. S. C., title 19, sec. 1624) of the Tariff Act of 1930, Article 1022 of the Customs Regulations of 1931 is hereby amended as follows:

Paragraphs (k), (l), (m), (n), and (o), are redesignated paragraphs (l), (m), (n), (p), and (q), respectively.

Paragraph (f) is amended to read as follows:

(f) The investigating officer will assist the manufacturer or producer in preparing the sworn statement required by paragraph (f) of Article 1020, describing its methods and records. The use of duty-paid or tax-paid merchandise or drawback products and the manufacture or production of articles not specified in the application, as well as factories not named therein, may be included in the sworn statement prepared as a result of such application. The supervising customs agent shall transmit the sworn statement to the bureau in triplicate, together with three copies of his report in the case. The Commissioner of Customs will thereafter establish the rate of drawback, if the facts developed by the investigation warrant such action, as provided by paragraph (f) of Article 1020.

Paragraph (g) is amended by adding the following sentence at the end thereof:

The procedure outlined in this and the two preceding paragraphs shall be followed, so far as applicable, when applications for extensions or amendments of drawback rates or when supplemental

sworn schedules or supplemental advisory sworn schedules are filed in accordance with paragraphs (k), (l), or (n) of this article.

Paragraph (j) is amended to read as follows:

(j) In no case will drawback be allowed on articles provided for in a rate of drawback which are exported before the receipt in the bureau of the application which resulted in the preparation of the sworn statement upon which the rate of drawback was based.

The following new paragraphs, designated paragraphs (k) and (o) respectively, are added:

(k) When a manufacturer or producer in whose behalf a rate of drawback has been established, or who has filed a sworn statement looking to the establishment of such a rate, desires an allowance of drawback on articles not provided for in the rate or described in the sworn statement, it shall file an application in the Bureau of Customs for the extension of the rate to cover the additional articles. After investigation, the submission of a report of the supervising customs agent, and the filing of a supplemental sworn statement of the manufacturer or producer, incorporating by reference the conditions of its basic sworn statement, so far as applicable, and agreeing to comply with the provisions of Article 1020 with respect to such additional articles, the Commissioner of Customs will issue an extension authorizing the collector or collectors of customs at the port or ports concerned to allow drawback under such extension, upon compliance with the law and regulations, on the additional articles exported on or after the date on which the application for the extension was filed in the Bureau. No drawback shall be allowed on articles exported before such date unless specifically authorized by the Commissioner. The same procedure shall govern in cases where the manufacturer or producer desires to have its drawback rate extended to include additional factories or to permit the use of other kinds of duty-paid or tax-paid merchandise or drawback products, or wishes to have the rate amended to provide for a different basis for liquidation of its drawback entries or to cover changes in methods of identification, manufacture, etc.

(o) The reports required by paragraphs (f), (k), (l), and (n) shall in all cases state the date of which the articles described in the sworn statement, supplemental sworn statement, sworn schedule, advisory sworn schedule, supplemental sworn schedule, or supplemental advisory sworn schedule were first manufactured or produced in accordance with the provisions thereof for exportation with benefit of drawback.

Paragraph (n), redesignated paragraph (p), is amended by replacing the period at the end thereof with a comma and adding immediately thereafter the following:

and no drawback shall be allowed on articles exported before such date unless specifically authorized by the Commissioner of Customs.

[SEAL]

FRANK DOW,
Acting Commissioner of Customs.

Approved, September 14, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2280—Filed, September 18, 1936; 2:41 p. m.]

[T. D. 48525]

CUSTOMS REGULATIONS AMENDED—ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR. FIRE-ARMS

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in the United States Code, title 22, sec. 245a, et seq., Public, No. 448, 74th Congress, approved February 15, 1936, and United States Code, title 26, sec. 1132, et seq., as amended by Public, No. 490, 74th Congress, approved April 10, 1936, paragraphs (f) and (g) of Article 177 of the Customs Regulations of 1931, relating to arms and munitions, are hereby amended to read as follows:

(f) The importation and exportation of arms, ammunition, and implements of war and the exportation of other munitions of war are prohibited except under license issued by the Secretary of State. The list of articles comprising arms, ammunition, and implements of war, and the laws and regulations administered by the Secretary of State governing the international traffic in arms, ammunition, and implements of war, and other munitions of war (tin-plate scrap) are set forth in the pamphlet entitled "International Traffic in Arms", Third Edition, copies of which accompanied Bureau of Customs Circular Letter No. 1550, dated May 5, 1936. The importation and exportation of firearms are restricted by regulations issued by the Commissioner of Internal Revenue under authority of the National Firearms Act, as amended, copies of which accompanied Bureau of Customs Circular Letters Nos. 1388 and 1567,

dated June 3, 1935, and June 11, 1936. The definition of the term "firearm" under this law, as amended, reads:

"The term 'firearm' means a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length."

[U. S. C., title 22, sec. 245a, et seq., and Public, No. 448, Feb. 15, 1936, 74th Congress. U. S. C., title 26, sec. 1132, et seq., as amended by Public, No. 490, April 10, 1936, 74th Congress.]

(g) Arms, ammunition, and implements of war imported or which are being exported, or are intended to be exported or shipped from the United States in violation of the regulations mentioned in the preceding paragraph may be seized and detained and the carrying vessel or vehicle detained by the collector of customs.

[U. S. C., title 22, sec. 233.]

Paragraph (d) of Article 192 of the Customs Regulations of 1931 is hereby amended to read as follows:

(d) See paragraphs (f) and (g) of Article 177 relative to the importation and exportation of arms, ammunition, and implements of war, and the exportation of other munitions of war and firearms.

[SEAL]

J. H. MOYLE,
Commissioner of Customs.

Approved, September 15, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 2231—Filed, September 18, 1936; 2:41 p. m.]

Committee on Enrollment and Disbarment.

[(1936) Department Circular No. 230 (Revised)]

LAW AND REGULATIONS GOVERNING THE RECOGNITION OF AGENT, ATTORNEYS, AND OTHER PERSONS REPRESENTING CLAIMANTS BEFORE THE TREASURY DEPARTMENT AND OFFICES THEREOF

SEPTEMBER 15, 1936.

By virtue of and pursuant to the authority vested in me, including the authority conferred by Act of July 7, 1884 (23 Stat. 258), the following rules and regulations governing the recognition of agents, attorneys, and other persons representing claimants before the Treasury Department and offices thereof, are hereby prescribed:

SECTION 1. Committee on Enrollment and Disbarment.—A committee on enrollment and disbarment is hereby created consisting of three members who shall be appointed by the Secretary of the Treasury. The Secretary of the Treasury shall designate a chairman and vice-chairman of the Committee. The Secretary in his discretion may appoint a part-time member or members of the Committee, and, whenever in his judgment such action is necessary, the Secretary may appoint some person to serve temporarily as a substitute for a regular member of the Committee. The Committee shall have such powers to prescribe rules for its own government and procedure as are set forth elsewhere in these regulations. The Committee shall meet at such times as it may designate or at the call of the chairman. Two members of the Committee shall constitute a quorum. Hearings for the purpose of taking testimony in proceedings for suspension or disbarment may be held by a single member of the Committee at such places as the Committee may designate, but all findings of fact and recommendations thereon shall be made by the Committee.

The Committee shall receive and act upon applications to be recognized as attorneys or agents before the Treasury Department; receive and act upon applications for re-enrollment from attorneys or agents who have been disbarred; receive applications for vacation or modification of orders of suspension or disbarment; receive complaints against persons enrolled; conduct hearings; make inquiries; perform other

*Effective October 1, 1936. This circular supersedes Treasury Department Circular No. 230, dated October 1, 1934, and the amendments thereof and supplements thereto.

duties as prescribed herein; do all things necessary in the matter of proceedings for enrollment, suspension, disbarment, or reinstatement of such attorneys or agents, pursuant to these regulations and rules of procedure prescribed thereunder; and submit its findings of fact and recommendations in suspension and disbarment cases and in cases for the vacation or modification of orders of suspension and disbarment to the Secretary of the Treasury for approval or disapproval.

The Secretary of the Treasury may appoint a person to act as secretary of the Committee or designate a member of the Committee to act as secretary. The secretary of the Committee shall keep and maintain its records, shall have custody of all its papers, records, rolls, and files, and shall perform such other duties reasonably incident to his office as the Committee shall direct. If no secretary is appointed or designated, the duties herein enumerated shall devolve upon the Chairman of the Committee, or upon such person or persons as he may designate.

The Secretary of the Treasury shall appoint an attorney not a member of the Committee as Attorney for the Government to prepare and present all formal statements of charges against enrolled attorneys or agents, to supervise the gathering of evidence in support of such charges, including the taking of depositions, to represent the Government in all proceedings before the Committee, and to perform such other duties reasonably incident to his position as the Committee shall direct.

SEC. 2. Rules and Regulations Relating to Practice.—(a) No attorney or agent shall be eligible to practice before the Treasury Department unless such attorney or agent is enrolled in accordance with these or prior regulations, except that any individual may appear, without enrollment, on his own behalf or in behalf of a member of his immediate family if such appearance is without compensation; and a member of a partnership, an officer of a corporation, or an authorized regular employee of an individual, partnership, corporation, or estate, may likewise appear, without enrollment, in any matter relating to such individual, partnership, corporation, or estate pending before the Treasury Department if he presents adequate identification to the officials of the Department. Enrollment is not required for appearances by trustees, receivers, guardians, administrators, and executors on behalf of trusts, receiverships, guardianships, or estates of which such persons are the trustees, receivers, guardians, administrators, or executors, if adequate identification is presented to the officials of the Department. This rule also applies to an individual, a partnership, an estate or trust, or a corporation with respect to the liability of the individual, partnership, estate or trust, or corporation as a transferee of property of a taxpayer and to a fiduciary with respect to the liability of the fiduciary under section 3487 of the Revised Statutes. No enrolled person or other person authorized to appear before the Treasury Department without enrollment shall represent a claimant before the Treasury Department in any matter to which the enrollee, as officer or employee of the United States, gave personal consideration or as to the facts of which he gained knowledge while in the Government service.

No former officer, clerk, or employee of the Treasury Department shall act as attorney or agent, or as the employee of an attorney or agent within 2 years after the termination of such Treasury employment, in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Treasury or his duly authorized representative. This consent will not be granted unless it appears (1) that the applicant was not, during the period of 2 years immediately preceding the date of application, employed in the particular departmental or field section in which was pending the matter, to handle which consent is sought, provided that this requirement shall not apply to persons employed in an administrative capacity such as head of a unit, division, or section, or employed as a reviewer or conferee or in an advisory capacity; and (2) that employment as an agent or attorney is not prohibited by Title 5, section 99, U. S. Code, or other law, or by the regulations of the Treasury Department. Such applicant shall be required to file an affidavit to the effect that he gave no personal considera-

tion to such matter and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Treasury Department, and that his employment is not prohibited by Title 5, section 99, U. S. Code,¹ or other law, or by the regulations of the Treasury Department. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files and records pertaining to the case. Applications for consent should be directed to the Committee on Enrollment and Disbarment on form 901 and should state the former connection with the Department of the applicant and identify the matter in which the applicant desires to appear. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

Nor shall any enrolled person knowingly (1) assist a person who has been employed by a client to represent him before the Treasury Department in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, or (2) accept assistance from any such person in connection with any such matter, or (3) share fees with any such person in connection with any such matter.

(b) Practice before the Treasury Department shall be deemed to comprehend all matters connected with the presentation of a client's interests to the Treasury Department, including the preparation and filing of necessary written documents, and correspondence with the Treasury Department relative to such interests. Unless otherwise stated the term "Treasury Department" as used in this paragraph and elsewhere in these regulations includes any division, branch, bureau, office, or unit of the Treasury Department, whether in Washington or in the field, and any officer or employee of any such division, branch, bureau, office, or unit.

(c) Each enrolled attorney or agent who knows that a client has not complied with the law or has made an error in, or an omission from, any return, document, affidavit, or other paper, which the law requires such client to execute, shall advise his client promptly of the fact of such noncompliance, error, or omission.

(d) It shall be the duty of an enrolled attorney or agent, when requested by the Committee or the Attorney for the Government, to give the Committee or the said Attorney any information which he may have concerning violations of these regulations or of the occurrence of any acts or omissions which would be grounds for suspension or disbarment, unless said information is privileged.

(e) Every enrolled attorney or agent practicing as an individual shall use his legal name in the conduct of his legal, accounting, or other professional practice. The term "company", "associates", "accountants", "auditors", "engineers", or other plural forms suggesting a partnership, or language of similar import, used in connection with a name or title, or any fictitious title, or trade name, shall be used only by a bona fide partnership consisting of two or more members, and all stationery, listings, advertisements, and announcements of enrolled persons shall conform to the principles herein stated.

(f) An agent enrolled before the Treasury Department shall have the same rights, powers, and privileges and be subject to the same duties as an enrolled attorney, provided that an enrolled agent shall not have the privilege of drafting or preparing any written instrument by which title to real or personal property may be conveyed or transferred for the purpose of affecting Federal taxes, nor shall such enrolled agent advise a client as to the legal sufficiency of such an instrument or its legal effect upon the Federal taxes of such client, and provided

¹ It is unlawful for any former officer, clerk, or employee in any of the Executive Departments to act as counsel, attorney, or agent for prosecuting, within two years next after he shall have ceased to be such officer, clerk, or employee, any claim involving a demand for money from the United States which was pending in an Executive Department while he was employed as an officer, clerk, or employee in such Executive Department or in any other Executive Department. (See also 20 Op. Atty. Gen. 695.)

further that nothing in these regulations shall be construed as authorizing persons not members of the bar to practice law.

(g) Every claim, affidavit, written argument, brief, or statement of fact, prepared or filed by an enrolled attorney or agent in any matter pending before the Treasury Department, shall have affixed thereto a statement signed by such attorney or agent showing whether he prepared such document and whether or not he knows of his own knowledge that the statements of fact contained therein are true.

(h) It shall be the duty of any enrolled attorney or agent who prepares a return for a taxpayer to sign and execute before a notary public or other official authorized to administer an oath a statement showing that he prepared the return, that the information set out in the return and the accompanying schedules, if any, correctly and truly represents the information furnished to or discovered by him during the course of preparation of the return, and that such information is true according to the best of his information and belief (T. D. 4416), or such modified form of statement of similar character as may hereafter be prescribed by Treasury regulations.

(i) No enrolled attorney or agent as notary public shall take acknowledgments, administer oaths, certify papers, or perform any official act in connection with matters in which he is employed as counsel, attorney, or agent, or in which he may be in any way interested before the Treasury Department. (Act of June 29, 1906, 34 Stat. 622.) Under the provisions of this paragraph an enrolled person who is a notary public is prohibited from taking any acknowledgment, oath, or certification as a notary public in connection with any tax return, protest, or other document which he has prepared or in the preparation of which he has assisted.

(j) It shall be incumbent upon each enrolled person (1) who is authorized to practice as a certified public accountant or as a public accountant to maintain unimpaired his right to practice as a certified public accountant or public accountant; (2) who is admitted to practice before any court to maintain unimpaired his right to practice before such court; and (3) who is enrolled or admitted to practice before another department or agency of the Government to maintain unimpaired his standing before such department or agency.

(k) No enrolled person shall maintain a partnership for the practice of law, accountancy, or other related professional service with a person who is under disbarment from practicing before the Treasury Department or any other Government Department or agency, or with an unenrolled person who is neither an attorney legally practicing law nor a certified public accountant or a public accountant legally practicing accountancy.

(l) No enrolled person shall be connected with an accounting corporation either as officer, employee, or stockholder; nor shall any enrolled person, while employed as an officer, employee, attorney, or agent of any corporation, practice before the Treasury Department on behalf of such corporation as the representative of the officers, employees, directors, stockholders or members, customers, or clients, of such corporation, except as permitted by section 5 of these regulations. The term "corporation" as used in this paragraph and elsewhere in these regulations shall be deemed to include associations, joint stock companies, and insurance companies. Nothing contained herein shall prevent an enrolled person from being employed by agricultural cooperative associations, on a nonprofit basis and not subject to Federal income taxes, to represent before the Treasury Department the groups or units constituting membership of such associations, provided that individuals may not be so represented.

(m) No enrolled person shall represent before the Treasury Department clients of an unenrolled person who is neither an attorney nor an accountant regularly engaged in the practice of accountancy nor a customhouse broker, or who to the knowledge of the enrolled person solicits business, obtains clients, or otherwise conducts his practice in a manner forbidden under these regulations to enrolled persons.

(n) No enrolled person shall in any Treasury Department matter knowingly and directly or indirectly:

1. Employ or accept assistance from any unenrolled person whose application for enrollment shall at any time have been denied for a cause involving moral turpitude, or from a person who has been disbarred from practice before any department or agency of the Government or before any court of record, or who is under suspension from practice before any such department, agency, or court, or who has been deprived of his certificate as a certified public accountant or public accountant, or whose name after the effective date hereof has been stricken from the roll of attorneys and agents authorized to represent claimants before the Treasury Department in the course of disbarment proceedings against him, or

2. Accept employment as associate, correspondent, or subagent, from, or share fees with, any such person, or any person who is not an attorney or a public accountant regularly engaged in the practice of accountancy, or who is not a licensed customhouse broker.

(o) Each enrolled person shall exercise due diligence in preparing financial statements for clients and in certifying to the correctness of the same.

(p) Each enrolled person shall exercise due diligence to ascertain the correctness of any information which he imparts to a client with reference to any Treasury Department matter, and no enrolled person shall withhold information relative to any such matter from a client who is entitled to the information.

(q) Each enrolled person shall promptly pay over to the Government when due all sums received for the payment of any duty, tax, or other debt, or obligation owing to the Government, and shall promptly account to clients for funds received for them from the Government, or received from a client in excess of the charges properly payable in respect of the client's business.

(r) No enrolled person shall without authority of his client endorse or accept any Government draft, check, or warrant drawn to the order of such client.

(s) No enrolled person shall attempt to influence the action of any official or employee of the Treasury Department in any Treasury Department matter by the use of threats, false accusations, duress, or by the offer of any special inducement or promise of advantage, or by the bestowing of any gift or favor or other thing of value.

(t) No enrolled person shall neglect or refuse to produce records or evidence in any matter before the Treasury Department upon proper and lawful demand by a duly authorized agent of the Department, unless the attorney or agent has reasonable grounds to believe and does believe that the said demand is of doubtful legality; or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by such Department or agent to procure such information.

(u) No enrolled person shall procure, or attempt to procure, directly or indirectly, from Government records or other Government sources information of any kind which is not made available by proper authority.

(v) No enrolled attorney or agent shall in any manner whatsoever solicit, directly or indirectly, or by implication, employment from persons not clients or friends in matters before the Treasury Department or in matters related thereto. Among other things the following shall be deemed to be prohibited by this paragraph:

1. The publication of articles or the delivery of addresses on Federal tax questions by an enrolled person over the radio or elsewhere in connection with which the name of the firm of which he is a member, associate, or employee, or the address of the writer or speaker is given either by the writer, speaker, announcer, or publisher, provided that nothing herein shall be construed to prohibit the publication, by periodicals admitted to second-class mailing privileges, of such information concerning contributors of articles as is usually published in such periodicals.

2. The mailing of circulars, letters, pamphlets, or other printed or written matter to persons not clients or friends

of such enrolled person which contain no direct solicitation of employment but which do include the name and a description of the practice and address of such enrolled person.

3. Advertising in one or more of the following forms: (a) Signs, printing, or other advertising matter, indicating previous connection with the Treasury Department; (b) representation, orally, in writing, or in any other manner, of special influence with the officials or employees of the Treasury Department through acquaintance or otherwise; (c) the use of any title or other description of the attorney or agent or his practice which tends to suggest some connection with the Treasury Department of the United States, and any title or description containing the words "United States" shall be presumed to carry such suggestion, except that there is no objection to the use of the words "Enrolled to practice before the U. S. Treasury Department"; (d) distribution of bulletins, circulars, pamphlets, or so-called "tax services" to persons who are not clients or friends of the attorney or agent containing decisions or rulings of the Treasury Department, United States Board of Tax Appeals, or courts on Federal tax matters, or comment thereon by the attorney or agent; (e) distribution to persons not clients or friends of the practitioner of circulars or pamphlets advertising any business, educational, or social institution, or organization, which circular or pamphlet contains a card or advertisement of the practice of such attorney or agent.

The following kinds of advertising will not be deemed to constitute a violation of paragraph (v):

(1) Letterheads, professional cards, and the customary professional insertions in professional, telephone, and city directories, or in newspapers, trade or professional journals, or other publications admitted to second-class mailing privileges, provided they set forth only the name and address of the attorney or agent or the name of the firm of which he is a member or with which he is associated, a brief description of the nature of his practice, to wit, whether he practices as an attorney or accountant, and if desired, any field of practice or service in which such attorney or agent may specialize;

(2) The distribution by former officers or employees of the Government of cards briefly stating the fact of their former official status and announcing their new association: *Provided*, The cards are addressed only to personal or business acquaintances: *And, provided further*, That such cards are distributed only once and within a reasonable time after severance of official connection with the Government and within 30 days after the formation of a new association.

(w) Each enrolled person shall exercise due diligence in preparing or assisting in the preparation of, approving, and filing returns, documents, affidavits, and other papers relating to Treasury Department matters, and in otherwise representing clients before the Treasury Department; and no enrolled person shall unreasonably delay the prompt disposition of matters before the Treasury Department by neglecting to answer correspondence, by unreasonably delaying the filing of closing agreements, by filing frivolous claims for refunds, or otherwise.

(x) It shall be the duty of every enrolled person who becomes an officer or employee of the Treasury Department to request that his name be stricken from the roll and to surrender to the Committee his enrollment card for cancellation; and it shall be the duty of every other enrolled person who becomes a judge of any court of record or an officer or employee (1) of the United States, (2) of any corporation owned wholly by the United States, (3) of the District of Columbia, or (4) of any state or subdivision thereof whose duties disclose facts or information applicable to Federal tax matters, to request the Committee on Enrollment and Disbarment to place his name on the inactive list of Treasury Department practitioners during the period of such incumbency.

(y) No enrolled person shall exact from his client a manifestly unreasonable fee, whether contingent or otherwise, in any matter before the Treasury Department. The reasonable-

ness of a fee in any case is within limits a matter of judgment and depends upon all the facts and circumstances thereof, including the complexity and difficulty of the case, the amount of time and labor required for its proper preparation and presentation, the amount involved, and the professional standing and experience of the attorney or agent.

A wholly contingent fee agreement shall not be entered into with a client by an enrolled person unless the financial status of the client is such that he would otherwise be unable to obtain the services of an attorney or agent. Partially contingent fee agreements are permissible where provision is made for the payment of a minimum fee, substantial in relation to the possible maximum fee, which minimum fee is to be paid and retained irrespective of the outcome of the proceeding. Such minimum fee need not be paid in advance, if provision for its payment is made irrespective of the outcome of the case. The payment of or agreement to pay a nominal minimum fee will not satisfy the requirements of this subsection.

Whenever an enrolled attorney or agent shall enter into a contract to represent a client before the Treasury Department on a wholly or partially contingent basis, he shall file with the Committee a signed statement to that effect, containing the terms of the contract as they relate to compensation.

When a power of attorney is filed with the Treasury Department it shall be the duty of the attorney or agent filing the same to file therewith a statement as follows:

(Place) _____

(Date) _____

This is to certify that I ^{have}_{have not} entered into a contingent or partially contingent fee agreement for the representation before the Department of _____ in the matter of _____ under the terms of a power of attorney filed with the Treasury Department on _____, and (in case a contingent or partially contingent fee agreement has been made) that a report of such fee agreement ^{has not}_{has} been made to the Committee on Enrollment and Disbarment.

(z) Each enrolled person shall conduct his practice in an ethical and professional manner and it shall be the duty of each enrolled attorney to observe the canons of ethics as adopted by the American Bar Association and of each enrolled agent to observe the ethical standards of the accounting profession. Among other forms of unethical and unprofessional conduct the following will be deemed to constitute such conduct: The use of intemperate and abusive language, the making of false accusations or statements knowing them to be false, or the circulation of malicious and libelous matter in connection with Treasury practice.

SECTION 3. *Necessary Qualifications for Enrollment.*—(a) Applicants for enrollment to practice before the Treasury Department are required by statute to "show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases." (Title 5, section 261, U. S. Code.) The burden is upon applicants to establish clearly their right to enrollment by showing that they possess (1) a good character and reputation, (2) an adequate education, and (3) a knowledge of the laws and regulations relating to tax matters and other subjects which they expect to handle before the Department and of the rules and regulations governing practice before the Department. Accountants, not certified or certified through waiver, will not be enrolled unless they are able to present to the Committee on Enrollment and Disbarment convincing evidence, by passing a prescribed examination, that they possess the educational background, technical knowledge, and ability essential to the proper understanding of Federal tax matters and the presentation of the same before the Treasury Department. No attorney or accountant will be enrolled unless he shows

that he is authorized to practice his profession in the state or states, territory, or district (of Columbia) where he expects to conduct such practice.

Good character and good reputation are not identical requirements. The former is determined by the applicant's actual qualities; the latter depends upon the opinion entertained of the applicant by those who have had the opportunity of knowing him in the community in which he resides or in which he practices his profession. It follows that evidence of any act or omission which tends to establish lack of integrity or untrustworthiness or other qualities reprehensible in a professional man, is material as bearing upon the character of the applicant, notwithstanding there is clear proof that his reputation is good. An applicant must furnish as references the names and addresses of at least six persons who are acquainted with his reputation and with whom the applicant has come in contact in his profession or business.

(b) Among the causes sufficient to justify denial of an application for enrollment are: Any conduct, or practices, or proposed practices, which would constitute a violation of any of the provisions of these regulations if the applicant were enrolled or any other conduct which would be a ground for suspension or disbarment under the applicable law or laws; any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; or a bad reputation imputing to an applicant conduct of a criminal, dishonest, or unethical kind.

The Committee on Enrollment and Disbarment will endeavor to ascertain all the facts deemed necessary by it to pass upon any application without expense or undue inconvenience to the applicant. In the event, however, that the Committee is not satisfied with the information received, it may require the applicant to appear in person before the Committee or before some person or persons designated by it for the purpose of undergoing additional written or oral examination as to his fitness for enrollment. The Committee may grant a hearing on an application at the applicant's request.

(c) Application for enrollment may be denied in any case in which it appears that the applicant has terminated his employment with the Treasury Department in violation of an obligation assumed as a condition of such employment to remain in the service of the Department for a specified period or for a reasonable time.

(d) Only citizens of the United States over the age of twenty-one years are eligible for enrollment. A person who is unable for any reason to take the oath of allegiance, and to support the Constitution of the United States, as required of persons prosecuting claims against the United States by Title 31, section 204, United States Code, cannot be enrolled.

(e) Corporations and partnerships are ineligible for enrollment.

(f) Officers and employees of any state, or subdivision thereof, whose duties require them to pass upon, investigate, or deal with tax matters of such state or subdivision, shall be ineligible for enrollment, provided such employment may disclose facts or information applicable to Federal tax matters.

(g) Judges of courts of record shall be ineligible for enrollment.

(h) All persons to whom section 198 or section 203 of Title 18 of the United States Code applies, all persons prohibited by other law from representing claimants against the United States, all persons regularly employed by corporations owned wholly by the United States, and all persons regularly employed by the District of Columbia shall be ineligible for enrollment.

SECTION 4. Application for Enrollment.—Applicants for enrollment shall submit to the Committee an application in duplicate, properly executed on form 23, which forms a part of these regulations. Applications in any other form may not be considered. Members of the bar of an American court of record will apply for enrollment as attorneys; all other applicants will apply for enrollment as agents. All applications for enrollment must be individual. While members of a part-

nership should apply as individuals and not in the partnership name, an enrolled attorney or agent may represent clients before the Treasury Department in the name of the partnership of which he is a member or with which he is otherwise regularly connected. In case all of the members of a partnership are not enrolled, then the enrolled attorney or agent shall be responsible for any acts or omissions of the unenrolled partner or partners which are in violation of law or of the provisions of these regulations, to the same extent as though the offending partner himself were enrolled.

SECTION 5. Customhouse Brokers.—Section 641 of the Tariff Act of 1930, as amended, provides in part that the Secretary of the Treasury may prescribe rules and regulations governing the licensing as customhouse brokers of citizens of the United States of good moral character, and of corporations, associations, and partnerships. The Department's regulations pursuant thereto are published in Department Circular 559. A customhouse broker so licensed requires no further enrollment under these regulations for the transaction, within the customs districts in which he is licensed, of any business relating specifically to the importation or exportation of merchandise under customs or internal-revenue laws. He is also entitled, without further license or enrollment, to represent claimants or other persons before the Treasury Department in Washington in any matter in which he acted as a customhouse broker in any district in which he is licensed. When serving in such capacity, a licensed customhouse broker shall, in addition to being subject to the provisions of section 641 of the Tariff Act of 1930, as amended, and the rules and regulations thereunder, be subject also to all the provisions of the laws and regulations set forth in Treasury Department Circular No. 230, as revised from time to time, and shall be responsible as specified in section 7 (d) of Department Circular 559 for violation of any such laws or regulations committed by his or its officers, employees, or authorized attorneys or agents, in connection with the prosecution on behalf of the principal of any business before the Treasury Department in Washington.

SECTION 6. Roster of attorneys and agents, and enrollment cards.—(a) A roster of all attorneys and agents who make application for enrollment or who are enrolled, or whose applications have been denied, or who have been suspended or disbarred, will be kept in the office of the Committee on Enrollment and Disbarment. All bureaus, offices, and divisions of the Treasury Department subject to the exceptions in section 5 in the case of the Bureau of Customs, are prohibited from recognizing or dealing with any unenrolled attorney or agent as the representative of any person having a claim pending before the Department: *Provided*, That the Committee on Enrollment and Disbarment may grant, pending action upon an application, temporary recognition to an applicant not required to take an examination in connection with his application: *And, provided further*, That an unenrolled person who has not been disbarred or suspended from practice before the Treasury Department may be permitted to make initial appearance in a particular case. Such permission shall in no case authorize an unenrolled person to appear before the Treasury Department in Washington, D. C., or to represent a claimant in any formal hearing. It shall be the duty of the Government official before whom such person appears to notify him that if he wishes to appear further in the case, or in any formal hearing, or before the Treasury Department in Washington, it will be necessary to file an application for enrollment.

(b) The Committee will furnish upon request information as to whether any individual is enrolled. Other information will be made available to the various departments and agencies of the Government and to any person entitled to receive the same in accordance with the rules and regulations of the Treasury Department, and, except as prohibited by law, access to the files and records of the Committee will be granted to the U. S. Board of Tax Appeals and its representatives.

(c) The Committee on Enrollment and Disbarment shall issue an enrollment card to every attorney or agent upon his enrollment. Unless advised to the contrary by the Com-

mittee on Enrollment and Disbarment, any officer of the Treasury Department may consider the holder of such an enrollment card as duly authorized to practice before the Department.

SECTION 7. Proceedings for suspension, disbarment, and reinstatement.—(a) If an officer or employee of the Treasury Department has reason to believe that an enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Treasury Department, or if a complaint concerning any enrolled attorney or agent is made to any such officer or employee, he shall promptly make a written report thereof to the Attorney for the Government. If any other person has information of such violations, he may also make written report thereof to the said Attorney. The Attorney and the Committee will treat as strictly confidential the identity of the informant in any case in which the informant is other than an officer or employee of the Treasury Department, unless the informant in giving his information states that his identity and connection therewith are not confidential.

(b) The Attorney for the Government may, either on the basis of such information or upon his own motion where he has cause to believe that any enrolled attorney or agent has violated any provision of the laws or regulations governing practice before the Treasury Department, institute proceedings before the Committee for suspension or disbarment against any enrolled attorney or agent. Notice thereof, signed by the secretary or a member of the Committee, shall be served upon such attorney or agent, hereinafter called the respondent, in the following manner:

- (1) By delivery to the respondent personally, or
- (2) By registered mail, with demand for a return card signed by the respondent: *Provided*, That, if an enrolled attorney or agent shall have signed and filed with the Committee on Enrollment and Disbarment his written consent to be served in some other manner it shall be sufficient if service is made in that manner. Where the service is by registered mail, the receipt of the return card duly signed shall be satisfactory evidence of service.

The notice shall give the place and time within which the respondent shall file his answer, which time shall be not less than 20 days from the date of service of the notice, and shall contain or be accompanied by a statement of charges, which statement shall be signed by the Attorney for the Government, giving a plain and concise description of the facts which it is claimed constitute grounds for suspension or disbarment, without a detailed description of such facts. A statement of charges which fairly informs the respondent of the charges against him so that he is able to prepare his defense shall be deemed sufficient. Different means by which a purpose may have been accomplished or different intents with which acts may have been committed may be alleged in the statement of charges in a single count in the alternative. If, in order to prepare his defense, the respondent desires additional information as to the time and place of the alleged misconduct, or the means by which it was committed, or any other more specific information concerning the alleged misconduct, he may present a motion in writing to the Committee asking that the statement of charges be made more specific, setting forth in such motion in specific manner in what respect the statement of charges leaves him in doubt and describing the particular language of the statement of charges as to which additional information is needed. If in the opinion of the Committee such information is reasonably necessary to enable the respondent to prepare his defense, the Committee shall direct the Attorney for the Government to furnish the respondent with an amended statement of charges giving the needed information.

The procedure in suspension and disbarment proceedings shall be governed by the following rules:

1. Service of papers other than the original notice and statement of charges.—Papers other than the original notice and statement of charges shall be served on the respondent as follows:

- a. By delivering the same to the respondent personally; or by registered mail; or
- b. By leaving them at his office with his clerk or with a person in charge thereof; or
- c. By depositing them in a United States post office or post office box, enclosed in a sealed envelope, plainly addressed to such respondent at the address under which he is enrolled or at his last address known to the Committee.
- d. When the respondent is represented by attorney, by service upon the attorney in the same manner as provided in paragraphs (a), (b), and (c) for service on the respondent.

2. The respondent's answer.—The respondent's answer shall be filed within the time specified in the original notice unless on application the time is extended by the Committee.

The Committee may, in its discretion furnish a complaining witness with a copy of the answer if in its opinion such action will aid in ascertaining the truth or falsity of the charges. The term "complaining witness" for the purposes of this provision shall include any officer or employee of the Treasury Department or any enrolled attorney or agent who may have reported the alleged misconduct to the Attorney for the Government, or any other person upon whose information the Attorney for the Government has instituted the proceeding.

In his answer the respondent should specifically admit or deny every material allegation of fact in the statement of charges. Every allegation in the statement of charges not denied shall be deemed admitted, unless the respondent shall state in his answer that he has no knowledge thereof sufficient to form a belief, which statement shall be considered a denial. In answer to a statement of charges, no enrolled person shall deny a material allegation of fact which he knows to be true, or state in such answer that he is without sufficient information to form a belief when in fact he possesses such information.

In his answer the respondent may also state affirmatively special matters of defense, and shall not give in evidence any matters in avoidance or of defense, consistent with the truth of the allegations of the statement of charges, unless in his answer he states such matters specifically.

All answers shall be sworn to before a notary public or other officer authorized to administer an oath and shall be filed in duplicate.

If it appears that a denial of a material allegation of fact in the statement of charges, or a statement that the respondent has no knowledge sufficient to form a belief, was made in bad faith in the answer; or that the respondent has knowingly introduced false testimony during proceedings against him for suspension or disbarment, the Attorney for the Government may thereupon file supplemental charges, which charges may be tried with the other charges in the case, provided the respondent shall be given due notice thereof and afforded an opportunity for preparing a defense thereto.

3. Reply to answer.—If the answer contains affirmative matter in avoidance, consistent with the truth of the material allegations in the statement of charges, a reply by the Attorney for the Government admitting or denying the new matter set forth in the answer shall be filed with the Committee and served upon the respondent in the manner provided for by the rules of the Committee for the service of all papers other than the original notice and statement of charges.

4. Failure of respondent to answer.—If the respondent fails to file his answer in the form required by these rules and within the time specified in the notice, or that specified by the Committee where the time has been extended, the Committee may, upon written application, accompanied by a copy of the answer desired to be filed, allow the respondent to answer whenever in such application the respondent sets forth facts which in the opinion of the Committee constitute a sufficient excuse for the failure to

answer within the time specified. All such written applications shall be filed in duplicate and under oath.

5. *Notice of time and place of hearing.*—Written notice of the time and place of all hearings shall be given the respondent in the manner provided in these rules for the service of papers. No hearing shall be held in less than 10 days from the date of service on the respondent of the notice of such hearing, except that the Committee may postpone or adjourn hearings when necessary or desirable, on notice to the respondent.

6. *Testimony.*—Testimony shall be taken as follows:

a. Unless the Committee shall otherwise direct, the testimony of witnesses at all hearings will be taken under oath and stenographically recorded and transcribed.

b. Depositions for use at a hearing may, with the written approval of the Committee, be taken by either the Attorney for the Government or the respondent, or their duly authorized representatives, upon oral or written interrogatories, before a member of the Committee, any officer duly authorized to administer an oath for general purposes, or an officer of the Internal Revenue Bureau authorized to administer an oath in internal revenue matters, upon not less than 10 days' written notice to the other party. Such notice shall state the names of the witnesses, and the time and place where such depositions are to be taken: *Provided*, That when depositions are taken as aforesaid, if both parties are present or represented at the time and place specified for the taking of the depositions, either party may, after the examination of the witnesses produced under the order of the Committee, be entitled to produce and examine other witnesses; but in such case one day's notice must be given to the other party or his duly authorized representative there present, unless such notice is waived: *And provided further*, That the parties or their duly authorized representatives may agree in writing upon a time when and place at which such depositions are to be taken, without formal notice. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served with the notice, and copies of any written cross-interrogatories shall be mailed or delivered to the opposing party or his duly authorized representative at least 5 days before the time of taking the depositions.

Whenever any book, document, or paper belonging to any individual, partnership, or corporation, is introduced as an exhibit in a disbarment or suspension proceeding, the Committee may authorize, upon such conditions as it may deem proper, the withdrawal of such book, document, or paper upon the written request of the Attorney for the Government, or of the respondent or his attorney.

In the case of a variance between the allegations in the statement of charges and the evidence, the Committee shall have power to base its findings on any facts established by the evidence which are grounds for suspension or disbarment, and to order the amendment of the statement of charges to conform to the evidence: *Provided*, That the respondent has had or is given reasonable opportunity to present his defense to such amended charges, with such postponements of the hearing as may be reasonably necessary to permit the respondent to present such defense.

If the Committee or a majority thereof finds that a part of the charges in the statement of charges is not sufficiently proved but that the residue thereof is so proved, it may base its findings on any facts established by the evidence which are grounds for suspension or disbarment and which are substantially charged by the said residue of the statement of charges.

The Committee shall disregard an immaterial misnomer of a third person, an immaterial mistake in the description of any person, thing, or place or the ownership of any property, a failure to prove immaterial allegations in the description of the respondent's conduct, or any other immaterial mistake in the statement of charges.

Subject to these regulations, the Committee may determine the time, place, and manner in which hearings shall be conducted; the form in which evidence shall be received; and may adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of suspension, disbarment, and reinstatement cases.

The Committee shall pass upon the sufficiency of the answer and all other relevant papers filed by the respondent, and upon all issues of fact that may be raised. The respondent or his attorney may be heard upon the sufficiency of the answer filed by him whenever in the opinion of the Committee such a hearing is necessary or desirable.

All hearings shall be held at times and places fixed by the Committee, of which due notice shall be given the respondent in accordance with these regulations and the rules adopted by the Committee.

In making its findings of fact as to the truth of any charges which are duly put in issue by the papers in any case and upon which a hearing is had, the Committee shall be guided by a preponderance of the evidence. If at any hearing upon issues of fact raised by the papers in the case the respondent fails to put in any evidence, the Committee may base its findings upon the evidence submitted by the Attorney for the Government.

(c) In the event that depositions are introduced on behalf of the Government at the hearing or in the event that oral testimony in support of the charges is produced by the Government at the hearing, the Attorney for the Government, as soon as possible after the hearing, shall prepare and file with the Committee proposed findings of fact based upon all the evidence in the case. Upon receipt of such proposed findings of fact, the Committee shall forward to the respondent or his attorney a copy thereof together with a copy of the transcript of such oral testimony and depositions as may have been introduced. The respondent shall have not less than ten days after receipt of such papers in which to submit in writing to the Committee his objections, if any, to such proposed findings of fact. Neither the respondent nor his attorney shall have the right to receive any copies of exhibits introduced at the hearing or at the taking of the depositions. The respondent or his attorney, however, shall have the right to examine all exhibits. Upon receipt of such objections, or after the time for filing such objections has expired if no such objections are filed, or after the hearing if no proposed findings of fact are required, the Committee shall make its findings of fact. The Committee shall have power to dismiss the charges when in its opinion such charges have not been proved. If, in the opinion of the Committee, suspension or disbarment should be recommended, it shall so report to the Secretary of the Treasury. Such report shall be signed by all members of the Committee agreeing thereto, and any member of the Committee dissenting therefrom shall submit a statement of his reasons for such dissent.

(d) Upon the approval of such recommendation by the Secretary of the Treasury and the issuance of his order of suspension or disbarment of an attorney or agent, notice thereof shall be given by the Committee to the heads of all interested bureaus, offices, and divisions of the Treasury Department and to other interested departments and agencies of the Government in such manner as the Committee may determine. Such person will not thereafter be recognized during the period of suspension or disbarment as an attorney or agent in any matter before the Treasury Department. Notice in such manner as the Committee may determine may be given to the proper authorities in the state from which an enrolled attorney, certified public accountant, or public accountant derives his license to practice in the event that such attorney, certified public accountant, or public accountant is suspended or disbarred.

(e) Any attorney or agent who has been suspended or disbarred may make written application to the Committee to have the order of suspension or disbarment vacated or modified upon the ground (1) of newly discovered evidence, or (2) that important evidence is now available which the applicant was unable to produce at the original hearing by

the exercise of due diligence. Every application for reinstatement shall be filed with the Committee in triplicate. Such application must set forth specifically the precise character of the evidence to be relied upon in its support and shall state the reasons why the applicant was unable to produce it when the original charges were heard. If the Committee after due consideration of the application shall deem it sufficiently meritorious to warrant a hearing, it shall set a time and place for such hearing and give due notice thereof to the applicant. Upon the conclusion of the hearing the Committee shall submit its recommendation to the Secretary of the Treasury for his approval or disapproval.

In the event that the Secretary shall issue an order vacating or modifying the prior order of suspension or disbarment, notice thereof shall be given by the Committee to all those to whom notice of the original order of suspension or disbarment was sent.

In all cases not covered by the foregoing provisions, a disbarred attorney or agent who desires to be restored to the roll must file a new application for enrollment and otherwise comply with the requirements of section 3 of these regulations.

SECTION 8. Authority to prosecute claims.—A power of attorney from the principal in proper form may be required of enrolled attorneys or agents in any case by heads of bureaus, offices, and divisions. *In the prosecution of claims before the Bureau of Internal Revenue, involving the assertion of demands for payment of money by the United States, proper powers of attorney shall always be filed before an attorney or agent is recognized.*

SECTION 9. Substitution of Attorneys or Agents and Revocation of Authority.—(a) Where the power of attorney under which an enrolled attorney or agent is acting expressly confers the power of substitution, such attorney or agent may, by a duly executed instrument, substitute another enrolled attorney or agent in his stead: *Provided*, That such other attorney or agent will be recognized as such only after due notice in writing has been given the head of the bureau, office, unit, or division before which the matter is pending: *And, provided further*, That where the enrolled attorney or agent designated in the power of attorney, with power of substitution, has himself by reason of his suspension, or disbarment, or his subsequent entry into Government service (Title 18, sections 198 and 203, U. S. Code) become ineligible further to represent before the Treasury Department the client who executed the power, the Treasury Department shall be under no obligation to recognize any substitute power of attorney executed at any time by such attorney or agent, authorizing some other enrolled attorney or agent to appear before the Department upon behalf of such client, and it will be necessary for such client to retain a new attorney or agent.

(b) Where there is a contest between members of a dissolved firm or between two or more attorneys or agents, acting under the same power of attorney, as to which one is entitled to prosecute a matter pending before the Treasury Department or to receive a draft, warrant, or check, the client only shall thereafter be recognized, unless the members or survivors of the dissolved firm, or the contesting attorneys or agents, file an agreement signed by all designating which of them shall be entitled to prosecute such matter or to receive the said draft, warrant, or check. In no case shall the delivery of a final draft, warrant, or check to the client be delayed more than 60 days by reason of failure to file such agreement.

(c) The revocation of an authority to represent a claimant before the Treasury Department shall in no case become effective, so far as the Department is concerned, until due notice in writing has been given the head of the bureau, office, or division before which such matter is pending, and the filing of evidence of notification of the revocation to the attorney whose power has been revoked.

SECTION 10. Disreputable Conduct.—Under the provisions of the Act of July 7, 1884, 23 Stat. 258; Title 5, Sec. 261, U. S. Code, the Secretary of the Treasury may after due notice and opportunity for hearing suspend and disbar from

further practice before the Treasury Department any attorney or agent shown to be incompetent, disreputable, or who refuses to comply with these rules and regulations, or who shall with intent to defraud, in any manner wilfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant, by word, circular, letter, or by advertisement.

Among other forms of disreputable conduct the following are deemed to constitute such conduct:

1. Conviction of a crime involving moral turpitude.
2. Making false answers in the application for enrollment with knowledge that such answers are false.
3. Preparing or filing for himself or another a false Federal income tax return or other statement on which Federal taxes may be based, knowing the same to be false.
4. Suggesting to a client or a prospective client an illegal plan for evading payment of Federal taxes, knowing the same to be illegal.
5. Giving false testimony in any proceeding before the Committee on Enrollment and Disbarment, or in any other proceeding before the Treasury Department, or before any tribunal authorized to pass upon Federal tax matters, knowing the same to be false.
6. Filing any false or fraudulently altered document or affidavit in any case or other proceeding before the Treasury Department, or procuring the filing thereof, knowing the same to be false or fraudulently altered.
7. Using, with intent to deceive, false or misleading representations to procure employment in any case or proceeding before the Treasury Department.
8. Giving, with intent to deceive, false or misleading information relative to a matter pending before the Treasury Department to any officer or agent of the Department.
9. Preparing a false financial statement for a corporation, partnership, association, or individual, or certifying the correctness of such false statement, knowing the same to be false.
10. Imparting to a client false information relative to the progress of a case or other proceeding before the Treasury Department, knowing the same to be false.
11. False representations by an enrolled agent that he is an attorney or a certified public accountant.
12. Preparing or assisting in the preparation of, or filing, a false claim against the United States, knowing the same to be false.
13. Approving, for filing, a false income tax return prepared by some other person, knowing the same to be false.
14. Misappropriation of sums received from clients for the purpose of payment of taxes or other obligations due the Government, or of funds or other property belonging to a client.
15. Improper retention of a fee for which no services have been rendered.
16. Obtaining or attempting to obtain money or other thing of value from a claimant by false representations, knowing the same to be false.
17. Obtaining or attempting to obtain money or other thing of value from a claimant by duress or undue influence.
18. Concealing or attempting to conceal assets in order to evade the payment of Federal taxes.
19. Representing to a client or prospective client that the attorney or agent can obtain extraordinary favors from the Treasury Department or an officer or employee thereof or has access to unusual sources of information within the Department.
20. Soliciting or procuring the giving of false testimony in any proceeding before the Committee on Enrollment and Disbarment or in any other proceeding before the Treasury Department.

SECTION 11. Striking names from roll.—On request of an attorney or agent, the Committee may strike his name from the roll, but before granting the request the Committee shall make inquiries to ascertain whether the request has been made in order to evade proceedings for suspension or disbarment, in which event the request shall be denied unless

the Committee shall deem it to the best interest of all parties concerned to grant such request.

The Committee may upon motion of the Attorney for the Government or upon its own motion strike from the roll the name of any person who has failed to supply the information required by section 15 of the Department Circular 230, revised October 1, 1934, provided that any attorney or agent whose name has been so stricken from the roll may have his name restored thereto by filing with the Committee such information and a statement showing that his failure to supply it within the time specified in such circular was not due to any fault on his part. Upon the receipt of such information and statement, the name of such attorney or agent shall be restored to the roll unless it shall appear that he is ineligible for enrollment, in which event he shall be advised of the fact and given sixty days within which to present to the Committee satisfactory evidence that he is eligible for enrollment.

SECTION 12. Application and effective date of circular.—This circular supersedes the regulations promulgated by Treasury Department Circular No. 230 of October 1, 1934, relating to the recognition of attorneys, agents, and others, as heretofore amended and supplemented. The regulations contained in this circular shall apply to attorneys, agents, and licensed customhouse brokers representing claimants before any office of the Treasury Department, with such exceptions as to customhouse brokers as are set forth in section 5, and shall be effective from and after October 1, 1936. This circular shall apply to all unsettled matters then pending in this Department or which may hereafter be presented or referred to the Department or offices thereof for adjudication, and shall be applicable to all those now enrolled to practice before the Treasury Department as attorney or agent, and all proceedings before the Committee after October 1, 1936, shall in all procedural matters be governed by the provisions of these regulations and such supplementary regulations as may from time to time be adopted by the Committee in pursuance of the power granted it in section 7 of these regulations: *Provided*, That violations of the regulations committed prior to October 1, 1936, shall in all substantive matters be dealt with according to the provisions of the regulations in force at the time when the act or acts alleged to constitute such violations occurred.

SECTION 13. Withdrawal or amendment of circular.—The Secretary of the Treasury reserves the power to withdraw or amend or supplement at any time or from time to time all or any of the foregoing regulations, with or without previous notice, and may make such special orders as he may deem proper in any case.

[SEAL]

H. MORGENTHAU, JR.,
Secretary of the Treasury.

[IN DUPLICATE] ¹

TREASURY DEPARTMENT

COMMITTEE ON ENROLLMENT AND DISBARMENT

Form 23. (Revised October 1, 1936)

APPLICATION FOR ADMISSION TO PRACTICE BEFORE THE TREASURY
DEPARTMENT

I, _____
residing at Street address _____, City _____
State _____ with office at Street address _____
City _____ State _____, hereby ap-
ply for admission to practice as _____ to represent

(Attorney or agent) ²

others before the Treasury Department, and submit the following information for consideration in determining my eligibility and fitness for such practice, in compliance with Treasury Regulations as set forth in Department Circular No. 230, revised October 1, 1936:

1. (a) Are you a citizen of the United States? _____ (b) Natural born? _____ (c) Naturalized? _____ (d) Where and

when were you naturalized? _____

(e) Date of birth _____ Place of birth _____

2. (a) Are you a member of the bar? _____ (b) If so, of what court? _____ (c) Are you now in active practice and in good standing at said bar? _____

3. (a) Do you hold a certificate as a *certified* public accountant? _____ (b) If so, from what State? _____ (c) Are you now in active practice and in good standing under said certificate? _____

4. What is your present occupation? _____

5. Are you licensed or otherwise authorized to practice law or accountancy in the state or states (or District of Columbia) in which you plan to practice? _____

6. Are you engaged in your business or profession on your individual account? _____; or as a member of a partnership? _____; or as an employee? _____

(a) Under what name or style do you practice? _____

(b) If a member of a partnership, is any member of the partnership an unenrolled person who is neither an attorney, a *certified* public accountant, nor a public accountant? _____

(c) If an employee, give name and address of your employer, and the nature of your employment. _____

7. If enrolled, will it be your purpose, as an officer or employee of a corporation or association, to represent the officers, employees, stockholders or members, clients, or customers of such corporation or association? _____ An unqualified negative answer is required. See section 2 (1), Department Circular 230. Representation of officers, employees, etc., of corporations as individuals if retained and paid by them, or the representation of agricultural cooperative associations as permitted under section 3 (1), Department Circular 230, is not inconsistent with a negative answer to the above.

8. Do you own stock in, or are you an officer or employee of, any accounting or auditing corporation? _____

9. Are you familiar with the contents of Department Circular No. 230, revised October 1, 1936? _____

10. If you are not a member of an American bar or a *certified* public accountant, outline the extent and nature of your education; your personal or business experience, with names of your employers; and the particular qualifications you possess which you believe render you competent to represent other persons before the Treasury Department. Use paper the size of this form and submit duplicate copies.

11. Submit names and addresses of six business or professional references who are familiar with your professional work. _____

12. Has any complaint ever been filed or charge made against you before any person or tribunal having authority to institute or try proceedings for suspension or disbarment from practice or for the revocation of a license or certificate to practice or for expulsion from membership in a professional society? _____ If so, state particulars. _____

13. Have you ever been defendant in a criminal prosecution? _____ If so, state the circumstances and result. _____

14. Are you an officer or employee of the United States, of any corporation wholly owned by the United States, or of the District of Columbia? _____ (a) If you have ever been so employed, state employment and date of separation therefrom. _____

15. Do you agree, if you are admitted to practice before the Treasury Department, to give the Committee on Enrollment and Disbarment written notice of any change in your mailing address, and any change in your professional connection, or the name and style under which you practice, and agree further that, in the event any proceedings shall be instituted against you at any time before the Committee on Enrollment and Disbarment, a written notice thereof, together with a statement of the charges against you, sent to you by registered mail to the last address filed by you with the Committee, shall constitute due and sufficient notice? _____

I, _____ do solemnly swear (or affirm) that the statements contained in the foregoing application are true and correct; that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; that, if authorized to represent others before the Treasury Department, I will at all times conduct myself strictly in compliance with the laws, regulations, and rules governing practice before the Treasury Department, as now constituted or as they may hereafter be lawfully altered or amended; and that I will employ for the purpose of maintaining the causes

¹ All applications must be submitted in duplicate on these forms. Typewriter and carbon paper should be used.

² Members of the bar of an American court of record will apply as attorneys; all others as agents.

³ Name of State Court preferred.

confided to me such means only as are consistent with truth and honor; so help me God.⁴

(Signature)

(Address)

Subscribed and sworn to before me this _____ day of _____, 19____

(Signature of officer)

(Official title)

(Impress seal here)

[F. R. Doc. 2294—Filed, September 19, 1936; 11:57 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Biological Survey.

AMENDMENT TO THE REGULATIONS FOR THE ADMINISTRATION OF FEDERAL WILDLIFE REFUGES

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat., 122; U. S. Code Supp., title 16, Sec. 715i), the act of June 28, 1906, as amended April 15, 1924, to protect wildlife and property on Federal reservations (43 Stat., 98; U. S. Code, title 18, Sec. 145), and otherwise, regulation 7 of the Regulations of the U. S. Department of Agriculture governing the administration by the Bureau of Biological Survey of wildlife refuges is supplemented as follows:

7a.—Permits to graze livestock, harvest hay or stock feed, remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other use of the Lake Malheur Reservation established by Executive Order No. 929, dated August 18, 1908, and the adjacent tracts acquired under authority of the Act of March 31, 1933 (48 Stat. 22), not inconsistent with its objects may be issued by the Superintendent of said Reservation when approved by a representative of the Solicitor of this Department upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege granted by such permits.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the city of Washington, this 19th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2292—Filed, September 19, 1936; 11:07 a. m.]

Bureau of Entomology and Plant Quarantine.

REGULATIONS GOVERNING SANITARY EXPORT CERTIFICATION

INTRODUCTORY NOTE

The service providing for the certification of plants and plant products to meet the sanitary requirements of foreign countries is conducted under authority granted in appropriation acts for the Department of Agriculture. In appropriation acts for the fiscal years prior to and including the fiscal year 1934, authority was granted to certify "domestic fresh fruits, vegetables, and seeds, and nursery stock and other plants for propagation." In subsequent appropriation acts authority was granted to certify all domestic plants and plant products. The changes in this revision of the Inspection and Certification Regulations to Meet Foreign Sanitary Requirements takes cognizance of the extension of the authority to inspect products not heretofore certified for export. Provisions have also been made to certify plant products on the basis of the inspections made by cooperating State and Federal agencies. For the sake of brevity the title of the inspection and certification regulations to meet foreign sanitary requirements has been changed to "Regulations Governing Sanitary Export Certification."

LEE A. STRONG,

Chief, Bureau of Entomology and Plant Quarantine.

⁴An oath as included herein is required of persons prosecuting claims against the United States (Title 31, section 204, U. S. Code) and may be taken before any notary public, justice of the peace, or other person legally authorized to administer an oath in the State, Territory, or District where the application is executed.

Pursuant to the agricultural appropriation act of May 17, 1935 (49 Stat. 268), and repeated in subsequent appropriation acts "For the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products when offered for export and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of the foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, * * * *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts"—

I, Henry A. Wallace, Secretary of Agriculture, in order to carry out the purpose of the aforesaid acts, do prescribe the following revised rules and regulations, which shall become and be effective on and after September 21, 1936.

Witness my hand and the seal of the United States Department of Agriculture, this 19th day of September 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

REGULATION 1. DEFINITIONS

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. 2. For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean—

Paragraph 1. The act.—The following provision of an act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes," approved May 17, 1935 (Public No. 62, 74th Cong.), or any future act of Congress conferring like authority: "for the inspection, under such rules and regulations as the Secretary of Agriculture may prescribe, of domestic plants and plant products, when offered for export, and to certify to shippers and interested parties as to the freedom of such products from injurious plant diseases and insect pests according to the sanitary requirements of foreign countries affected and to make such reasonable charges and to use such means as may be necessary to accomplish this object, * * * *Provided*, That moneys received on account of such inspection and certification shall be covered into the Treasury as miscellaneous receipts."

Par. 2. Secretary.—The Secretary or Acting Secretary of Agriculture of the United States.

Par. 3. Bureau.—The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture.

Par. 4. Products.—Domestic plants and plant products.

Par. 5. Inspector.—An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, or other person authorized by the Secretary of Agriculture to inspect and certify to shippers and other interested parties, as to the sanitary condition of the products inspected under the act.

Par. 6. Office of inspection.—The office of an inspector of products covered by these regulations.

Par. 7. Certificate.—A certificate of the sanitary condition of the products concerned, based on inspection of representative samples, issued by an inspector under the act.

Par. 8. Regulations.—Rules and regulations of the Secretary under the act.

Par. 9. Consignment.—Any shipment of products assembled and inspected at one place at one time and covered by one application, or any mail shipment consigned to one consignee.

REGULATION 2. ADMINISTRATION

SECTION 1. The Chief of the Bureau of Entomology and Plant Quarantine is charged with the supervision of the performance of all duties arising in the administration of the act.

REGULATION 3. WHERE SERVICE IS OFFERED

SECTION 1. Certification may be made at the following ports of export, where inspectors of the Bureau of Entomology and Plant Quarantine are located: Baltimore, Md., Bellingham, Wash., Boston, Mass., Brownsville, Tex., Buffalo, N. Y., Calexico, Calif., Charleston, S. C., Chicago, Ill., Del Rio, Tex., Detroit, Mich., Douglas, Ariz., Eagle Pass, Tex., El Paso, Tex., Galveston, Tex., Hidalgo, Tex., Honolulu, Hawaii, Houston, Tex., Jacksonville, Fla., Key West, Fla., Laredo, Tex., Los Angeles, Calif., Mercedes, Tex., Miami, Fla., Mobile, Ala., Naco, Ariz., New Orleans, La., New York, N. Y., Nogales, Ariz., Norfolk, Va., Philadelphia, Pa., Port Arthur, Tex., Portland, Oreg., Presidio, Tex., Rio Grande City, Tex., Roma, Tex., San Diego, Calif., San Francisco, Calif., San Juan, P. R., San Pedro, Calif., San Ysidro, Calif., Savannah, Ga., Seattle, Wash., Tampa, Fla., Ysleta, Tex.

REGULATION 4. PRODUCTS COVERED

SECTION 1. Domestic plants and plant products when offered for export.

REGULATION 5. APPLICATION FOR CERTIFICATION

SECTION 1. A written application shall be made on forms provided for the purpose setting forth such information as is called for, as far in advance as possible, and shall be filed in the office of inspection at the port of certification.

SEC. 2. Each application shall be deemed filed when delivered to the proper office of certification. When such application is filed, a record showing the date and time of filing shall be made in such office.

REGULATION 6. INSPECTION

SECTION 1. The applicant shall cause the product for which inspection is requested to be made accessible for inspection and identification and to be so placed as to permit efficient inspection for insects and plant diseases of representative samples of all grades or kinds of products.

SEC. 2. All labor involved in the inspection, including the moving, opening, and closing of containers, shall be furnished by the applicant.

SEC. 3. Certificates may be refused for failure to carry out fully any of the foregoing provisions.

SEC. 4. No inspector shall inspect any products in which he or a member of his family is directly or indirectly financially interested.

REGULATION 7. CERTIFICATES

SECTION 1. For each consignment of products for which certification is requested, the inspector shall sign and issue a separate certificate based on the findings of the inspection.

SEC. 2. The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by him.

SEC. 3. One copy of each certificate shall be filed in the office of certification, and one forwarded to the Chief of the Bureau of Entomology and Plant Quarantine.

SEC. 4. The Chief of the Bureau of Entomology and Plant Quarantine may authorize inspectors to issue certificates on the basis of inspections made by cooperating Federal and State agencies under requirements and conditions approved by him.

SEC. 5. Inspectors may issue new certificates on a basis of inspections for previous certifications when the previously issued certificates can be canceled before they have been accepted by the phytopathological authorities of the country of destination involved.

REGULATION 8. FEES

SECTION 1. For each certificate issued the fee shall be \$1.

SEC. 2. A fee of \$1 shall be charged for extra copies of certificates requested after the original certificate and its accompanying copies have been issued.

SEC. 3. All fees shall be paid by check, money order, or draft made payable to disbursing clerk, United States Department of Agriculture. Such collections shall be promptly forwarded to the Chief of the Bureau of Entomology and

Plant Quarantine at the close of each week to be covered into the Treasury as miscellaneous receipts.

REGULATION 9. PUBLICATIONS

SECTION 1. Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Bureau of Entomology and Plant Quarantine and such other media as the chief of that bureau may from time to time designate for the purpose.

These revised rules and regulations shall be effective on and after September 21, 1936, and shall supersede the inspection and certification regulations to meet foreign sanitary requirements promulgated July 23, 1931.

Done at the city of Washington this 19th day of September 1936.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 2293—Filed, September 19, 1936; 11:07 a. m.]

DEPARTMENT OF LABOR.

Immigration and Naturalization Service.

[3rd Amendment of General Order No. 229]

PORT AT CLEVELAND, OHIO, FOR THE ENTRY INTO THE UNITED STATES OF ALIENS ARRIVING BY AIRCRAFT

SEPTEMBER 17, 1936.

Pursuant to the authority conferred by Subsection (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; U. S. C., Ti. 49, Sec. 177 (d)), the Cleveland Municipal Airport, Cleveland, Ohio, is hereby designated as a permanent port for the entry into the United States of aliens arriving by aircraft.

Subparagraph (a), Paragraph 3, Subdivision A, Rule 3 of the Immigration Rules of January 1, 1930, as amended by General Order No. 229, dated December 21, 1935, is amended by adding the following after the fourth port listed therein: Cleveland, Ohio, Cleveland Municipal Airport.

Subparagraph (b) of said Paragraph 3 is amended by striking therefrom the following: Cleveland, Ohio, Cleveland Municipal Airport.

FRANCES PERKINS, Secretary.

Approval recommended:

D. W. MACCORMACK,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 2293—Filed, September 21, 1936; 11:20 a. m.]

FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

ORDER FIXING DATE FOR RESUMPTION OF HEARING IN RE BERNARD FRANCIS BRAHENY, ET AL, UNDER SECTION 305 (b)

In the matter of the applications of:

ID No. 268, Bernard Francis Braheny, Chicago, Illinois.
ID No. 385, Robert Joseph Graf, Chicago, Illinois.
ID No. 393, William J. Hagenah, Chicago, Illinois.
ID No. 515, Paul August Lehmkuhl, Chicago, Illinois.
ID No. 525, Bernard William Lynch, Chicago, Illinois.
ID No. 444, James Joseph Madden, Chicago, Illinois.
ID No. 446, Walter Joseph Maloney, Chicago, Illinois.
ID No. 471, Matthew Aloysius Morrison, Chicago, Illinois.
ID No. 545, J. F. Owens, Oklahoma City, Okla.
ID No. 750, T. B. Wilson, Louisville, Kentucky.
ID No. 239, Henry Clinton Cummins, Chicago, Illinois.

for orders of approval authorizing their holding of interlocking positions, as required by section 305 (b) of the Federal Power Act;

Hearing on said matter having begun on May 4, 1936, and then continued without definite date for resumption of the hearing;

It is now ordered by the Commission that hearing on said applications be resumed on Tuesday, November 17, 1936, at 10 a. m., in the Commission's hearing room, Carpenters Building, 1003 K Street Northwest, Washington, D. C.

Adopted by the Commission on September 12, 1936.

[SEAL]

LEON M. FUQUAY,
Acting Secretary.

[F. R. Doc. 2291—Filed, September 19, 1936; 9:35 a. m.]

Commissioners: Frank R. McNinch, Chairman; Basil Manly, Vice Chairman; Herbert J. Drane, Claude L. Draper, Clyde L. Seavey.

ORDER POSTPONING HEARING

[Project No. 516]

The following order was adopted:

It appearing to the Commission:

That the Lexington Water Power Company, licensee, Project No. 516, having filed with the Commission a petition to continue for thirty days the joint hearing set by the Commission's order dated August 4, 1936, for September 17, 1936:

It is ordered:

That said hearing be and it is hereby continued to October 7, 1936, at 10 a. m., to be held in the Commission's hearing room, Carpenters Building, 1003 K Street, NW., Washington, D. C.

Adopted by the Commission on September 12, 1936.

[SEAL]

LEON M. FUQUAY,
Acting Secretary.

[F. R. Doc. 2290—Filed, September 19, 1936; 9:35 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2548]

IN THE MATTER OF CONSOLIDATED PORTRAIT AND FRAME COMPANY, A CORPORATION, AND BEN DIAL, TRADING AS DELUXE ART STUDIO, AND DANIEL F. ORANGE AND CHARLES C. ORANGE, INDIVIDUALS.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, October 2, 1936, at one o'clock in the afternoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

C. G. DUGANNE, *Acting Secretary.*

[F. R. Doc. 2286—Filed, September 19, 1936; 9:32 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2549]

IN THE MATTER OF CONSOLIDATED PORTRAIT AND FRAME COMPANY, A CORPORATION, AND PAUL BROYLE, TRADING AS DELUXE ART STUDIO, AND DANIEL F. ORANGE AND CHARLES C. ORANGE, INDIVIDUALS.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, October 2, 1936, at one o'clock in the afternoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

C. G. DUGANNE, *Acting Secretary.*

[F. R. Doc. 2287—Filed, September 19, 1936; 9:32 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2730]

IN THE MATTER OF W. H. CHARLESTON, TRADING AS MARAJAH AND COMPANY AND KALA PRODUCTS COMPANY.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Friday, October 2, 1936, at ten o'clock in the forenoon of that day (central standard time), in room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

C. G. DUGANNE, *Acting Secretary.*

[F. R. Doc. 2288—Filed, September 19, 1936; 9:32 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2866]

IN THE MATTER OF J. R. STONE, AN INDIVIDUAL, TRADING AS SPANISH DIAMOND CO., CHINESE RING CO., AND NATIONAL JEWELRY CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding, begin on Saturday, September 26, 1936, at ten o'clock in the forenoon of that day (Eastern standard time), in Room 410, Federal Building, Wheeling, West Virginia.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] C. G. DUGANNE, *Acting Secretary.*

[F. R. Doc. 2289—Filed, September 19, 1936; 9:33 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Fourth Section Application No. 16514]

APPLES TO THE SOUTH

SEPTEMBER 21, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: W. S. Currett, Agent, pursuant to fourth-section order No. 9800.

Commodity involved: Apples, fresh, in packages, or in bulk, in carloads, minimum weight 30,000 pounds.

From: Points in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.

To: Points in Southern territory.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 2299—Filed, September 21, 1936; 12:20 p. m.]

[Fourth Section Application No. 16515]

BUILDING PAPER FROM DALLAS, TEXAS

SEPTEMBER 21, 1936.

The Commission is in receipt of the above-named and numbered application for relief from the long-and-short-haul provision of section 4(1) of the Interstate Commerce Act,

Filed by: F. A. Leland, Agent.

Commodity involved: Paper, building or sheathing, carloads.

From: Dallas, Texas.

To: Ohio River Crossings.

Grounds for relief: Market Competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 2300—Filed, September 21, 1936; 12:20 p. m.]

NATIONAL LABOR RELATIONS BOARD.

[Case No. C-41]

IN THE MATTER OF INTERNATIONAL HARVESTER COMPANY AND LOCAL UNION NO. 57, INTERNATIONAL UNION, UNITED AUTOMOBILE WORKERS OF AMERICA

NOTICE OF HEARING

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (48 Stat. 449) a hearing will be held before the National Labor Relations Board on Wednesday, October 7, 1936, at 10 a. m., in Room 406, Danrike Building, 1010 Vermont Avenue NW., Washington, D. C., for the purpose of oral argument in the above entitled matter.

You may appear and be heard if you so desire.

Dated, September 18, 1936.

BENEDICT WOLF, *Secretary.*

[F. R. Doc. 2284—Filed, September 18, 1936; 4:23 p. m.]

[Case No. C-132]

IN THE MATTER OF MACKAY RADIO & TELEGRAPH COMPANY AND AMERICAN RADIO TELEGRAPHISTS' ASSOCIATION, LOCAL NO. 8

NOTICE OF HEARING

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (48 Stat. 449) a hearing will be held before the National Labor Relations Board on Tuesday, October 6, 1936, at 10 a. m., in Room 406, Danrike Bldg., 1010 Vermont Avenue NW., Washington, D. C., for the purpose of oral argument on the exceptions to the intermediate report in the above entitled matter.

You may appear and be heard if you so desire.

Dated, September 18, 1936.

BENEDICT WOLF, *Secretary.*

[F. R. Doc. 2285—Filed, September 18, 1936; 4:23 p. m.]

[Case No. R-39]

IN THE MATTER OF R. C. A. MANUFACTURING COMPANY, INC., AND UNITED ELECTRICAL & RADIO WORKERS OF AMERICA, LOCAL 103

NOTICE OF HEARING

Please take notice that pursuant to authority vested in the National Labor Relations Board under an Act of Congress (48 Stat. 449) a hearing will be held before the National Labor Relations Board on Wednesday, October 7, 1936, at 2 p. m., in Room 406, Danrike Bldg., 1010 Vermont Avenue NW., Washington, D. C., for the purpose of oral argument on exceptions to the Acting Regional Director's Intermediate Report in the above entitled matter.

You may appear and be heard if you so desire.

Dated September 19, 1936.

[SEAL]

BENEDICT WOLF, *Secretary.*

[F. R. Doc. 2298—Filed, September 19, 1936; 12:23 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 36-24]

IN THE MATTER OF NEVADA-CALIFORNIA POWER COMPANY PURSUANT TO SECTION 10

NOTICE OF HEARING AND ORDER DESIGNATING TRIAL EXAMINER

An application having been duly filed with this Commission, by Nevada-California Power Company pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935, whereby the Nevada-California Power Company proposes to acquire a non-negotiable long-term note in the sum of \$3,745,800.66 from its holding company, the Nevada-California Electric Corporation, to liquidate an open account indebtedness of that amount;

It is ordered that such matter be set down for hearing on October 7, 1936, at 10 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 2, 1936.

It is further ordered, that Charles S. Moore, an officer of the Commission, be, and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2304—Filed, September 21, 1936; 12:37 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 31-174]

IN THE MATTER OF THE APPLICATION OF GENERAL ELECTRIC COMPANY, ELECTRICAL SECURITIES CORPORATION, AND G. E. EMPLOYEES SECURITIES CORPORATION

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission by General Electric Company, Electrical Securities Corporation, and G. E. Employees Securities Corporation pursuant to Section 3 (a) (3) of the Public Utility Holding Company Act of 1935:

It is ordered, that the matter be set down for hearing on the 5th day of October 1936, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at

such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than October 1, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2306—Filed, September 21, 1936; 12:37 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 31-211]

IN THE MATTER OF HOPE NATURAL GAS COMPANY AND RESERVE GAS COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by Hope Natural Gas Company and Reserve Gas Company, pursuant to Section 3 (a) (2) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 5th day of October 1936, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than October 1, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2309—Filed, September 21, 1936; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 31-43-1]

IN THE MATTER OF THE APPLICATION OF ILLINOIS NORTHERN UTILITIES COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by Illinois Northern Utilities Company, pursuant to Section 3 (a) (1) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 5th day of October 1936, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be, and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than October 1, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2305—Filed, September 21, 1936; 12:37 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 31-180]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL GENERAL ELECTRIC COMPANY, INC.

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by International General Electric Company, Inc., pursuant to Section 3 (a) (5) of the Public Utility Holding Company Act of 1935;

It is ordered, that the matter be set down for hearing on the 5th day of October 1936, at 10 o'clock in the forenoon of that day, at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be, and he hereby is, designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to

the Commission, such notice to be received by the Commission not later than October 1, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2307—Filed, September 21, 1936; 12:33 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September A. D. 1936.

[File No. 31-210]

IN THE MATTER OF THE APPLICATION OF THE PEOPLES NATURAL GAS COMPANY AND THE COLUMBIA NATURAL GAS COMPANY

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by The Peoples Natural Gas Company and The Columbia Natural Gas Company, pursuant to Section 3 (a) (2) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 5th day of October 1936, at 10 o'clock in the forenoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than October 1, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2308—Filed, September 21, 1936; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING INTEREST IN THE WESTERN STATES-HADDOCK FARM, FILED ON AUGUST 28, 1936, BY OTTO ASKINS, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 11:00 o'clock in the forenoon of the 18th day of September 1936, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:00 o'clock in the afternoon of the 2nd day of October 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2322—Filed, September 21, 1936; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING INTEREST IN THE GARFIELD STREET ADDITION-AVALON #1 FARM, FILED ON AUGUST 29, 1936, BY L. D. GREENFIELD COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 19th day of September 1936, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:30 o'clock in the afternoon of the 5th day of October 1936, at the same place before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2314—Filed, September 21, 1936; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING INTEREST IN THE W. C. W. GARFIELD STREET ADDITION FARM, FILED ON AUGUST 29, 1936, BY L. D. GREENFIELD COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 19th day of September 1936, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:30 o'clock in the afternoon of the 5th day of October 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2316—Filed, September 21, 1936; 12:40 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE WINDSOR-CULBERTSON #1 FARM, FILED ON AUGUST 29, 1936, BY L. D. GREENFIELD COMPANY, RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 10:00 o'clock in the forenoon of the 19th day of September 1936, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 2:30 o'clock in the afternoon of the 5th day of October 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2315—Filed, September 21, 1936; 12:40 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-GENERAL "L" COMMUNITY FARM, FILED ON AUGUST 28, 1936, BY J. H. LIEBERMAN, INC., RESPONDENT

ORDER FOR CONTINUANCE

The Securities and Exchange Commission, having been requested by its counsel for a continuance of the hearing in the above entitled matter, which was last set to be heard at 2:00 o'clock in the afternoon of the 18th day of September 1936 at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and it appearing proper to grant the request;

It is ordered, pursuant to Rule VI of the Commission's Rules of Practice under the Securities Act of 1933, as amended, that the said hearing be continued to 9:00 o'clock in the forenoon of the 3rd day of October 1936, at the same place and before the same trial examiner.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2323—Filed, September 21, 1936; 12:42 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE R. M. WHITE FARM, FILED ON AUGUST 31, 1936, BY HOWARD F. GUNTER, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office

of the Commission on September 14, 1936, be effective as of September 14, 1936; and

It is further ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be, and the same hereby are, revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 2326—Filed, September 21, 1936; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-RISSE FARM, FILED ON SEPTEMBER 4, 1936, BY CHESTER ILIES, RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on September 16, 1936, be effective as of September 16, 1936; and

It is further ordered that the Suspension Order, Order for Hearing, and Order Designating a Trial Examiner, heretofore entered in this proceeding, be, and the same hereby are, revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 2324—Filed, September 21, 1936; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF AN OVERRIDING INTEREST IN THE WILCOX-BISBEE FARM, FILED ON SEPTEMBER 5, 1936, BY SUPREME OIL, INC., RESPONDENT

ORDER TERMINATING PROCEEDING AFTER AMENDMENT

The Securities and Exchange Commission, finding that the offering sheet filed with the Commission, which is the subject of this proceeding, has been amended, so far as necessary, in accordance with the Suspension Order previously entered in this proceeding;

It is ordered, pursuant to Rule 341 (d) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the amendment received at the office of the Commission on September 17, 1936, be effective as of September 17, 1936; and

It is further ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding, be and the same hereby are revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 2325—Filed, September 21, 1936; 12:43 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-BURMEAL FARM, FILED ON SEPTEMBER 12, 1936, BY D. F. BERNHEIMER, RESPONDENT.

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the phrase "or disapproved" is omitted from the second paragraph, Division I;
2. In that Item 7 (b) of Division II is omitted;
3. In that in Item 11 (b), Division II, the amount of gross production tax is misstated;
4. In that in Item 13, Division II, it is stated that "The entire field has proven to be one of the most prolific ever discovered anywhere", and "It appears that this (North) extension will prove to be one of the most prolific areas in the entire field";
5. In that the producing formations and other fields, used for the comparison in Item 13, Division II, are not named;
6. In that the statements regarding gas volumes and attendant high pressures, given in Item 13, Division II, apply to the older part of the field;
7. In that nothing is said in Item 13, Division II, about the initial pressures in the North extension of the field where this tract is located;
8. In that it is not stated in Item 13, Division II, what the usual ultimate recovery of oil per acre is in most fields;
9. In that in Item 13, Division II, it is not stated that there are comparatively large areas in the central portion of the field that have no wells;
10. In that the legal description of the property is omitted from Exhibit B;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 3rd day of October 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 2331—Filed, September 21, 1936; 12:43 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-HAYES-HIGHLAND ET AL. FARMS, FILED ON SEPTEMBER 12, 1936, BY D. F. BERNHEIMER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the farm name on Page 1 is incomplete;
2. In that the clause "or disapproved" is omitted from the second paragraph of Page 1, Division I;
3. In that in Item 1, Division II, different participations are shown in the wells on Roanoke Place—Powell on one hand and Hayes-Highland—Russell on the other, thus improperly combining in one sheet 2 different interests;
4. In that Item 2, Division II, does not give the complete farm name;
5. In that Item 11(b), Division II, misstates the amount of gross production tax;
6. In that in Item 13, Division II, the position of the tract in relation to the field has been omitted;
7. In that in Item 13, Division II, it is stated that "The entire field has proven to be one of the most prolific ever discovered anywhere", and "it appears that this (North) extension will prove to be one of the most prolific areas in the entire field";
8. In that the producing formations and other fields, used for the comparison in Item 13, Division II, are not named;
9. In that the statements regarding gas volumes and attendant high pressures, given in Item 13, Division II, apply to the older part of the field;
10. In that nothing is said in Item 13, Division II, about the initial pressures in the North extension of the field where this tract is located;
11. In that it is not stated in Item 13, Division II, what the usual ultimate recovery of oil per acre is in most fields;
12. In that Exhibit A does not include as part of the tract all of the property described in Items 16 and 17 (b) of Division II;
13. In that the legal description of the property is omitted from Exhibit B;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 3d day of October, 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania

Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F.R. Doc. 2320—Filed, September 21, 1936; 12:41 p. m.]

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-COOPER FARM, FILED ON SEPTEMBER 12, 1936, BY D. F. BERNHEIMER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A))
AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the farm name on Page 1 is misstated, based on Items 2 (d) and (f) of Division II, wherein Uscon Oil Company does not appear as an operator or lessee;
2. In that the clause "or disapproved" is omitted from the second paragraph of Division I;
3. In that the amount of gross production tax is misstated in Item 11 (b) of Division II;
4. In that in Item 13, Division II, it is stated that "The entire field has proven to be one of the most prolific ever discovered anywhere", and "it appears that this (North) extension will prove to be one of the most prolific areas in the entire field";
5. In that in Item 16 (e), Division II, the prices for the gravity of oil do not agree with the gravity stated in Item 18 (b) of Division II;
6. In that the producing formations and other fields, used for the comparison in Item 13, Division II, are not named;
7. In that the statements regarding gas volumes and attendant high pressures, given in Item 13, Division II, apply to the older part of the field;
8. In that nothing is said in Item 13, Division II, about the initial pressures in the North extension of the field where this tract is located;
9. In that it is not stated in Item 13, Division II, what the usual ultimate recovery of oil per acre is in most fields;
10. In that in Item 13, Division II, it is not stated that there are comparatively large areas in the central portion of the field that have no wells;
11. In that the legal description of the property is omitted from Exhibit B;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission, be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence,

memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 3rd day of October 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2317—Filed, September 21, 1936; 12:40 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE PHILLIPS-LIBERTY FARM, FILED ON SEPTEMBER 12, 1936, BY D. F. BERNHEIMER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the phrase "or disapproved" is omitted from the second paragraph, Division I;

2. In that in Item 7, Division II, the first and second paragraphs are inconsistent with one another;

3. In that in Item 11 (b), Division II, the amount of gross production tax is misstated;

4. In that in Item 13, Division II, it is stated that "The entire field has proven to be one of the most prolific ever discovered anywhere", and "It appears that this (North) extension will prove to be one of the most prolific areas in the entire field";

5. In that the producing formations and other fields, used for the comparison in Item 13, Division II, are not named;

6. In that the statements regarding gas volumes and attendant high pressures, given in Item 13, Division II, apply to the older part of the field;

7. In that nothing is said in Item 13, Division II, about the initial pressures in the North extension of the field where this tract is located;

8. In that it is not stated in Item 13, Division II, what the usual ultimate recovery of oil per acre is in most fields;

9. In that in Item 13, Division II, it is not stated that there are comparatively large areas in the central portion of the field that have no wells;

10. In that Item 18 (b) of Division II is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October, 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the

production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 3rd day of October 1936, at 10:00 o'clock in the forenoon at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2310—Filed, September 21, 1936; 12:41 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September A. D. 1936

IN THE MATTER OF AN OFFERING SHEET OF A WORKING INTEREST IN THE SHAFER-McKEE FARM, FILED ON SEPTEMBER 12, 1936, BY D. F. BERNHEIMER, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Items 8 (d), (e), and (f) of Division II are omitted;

2. In that the required text is omitted from Items 9 (a), 10, 11, 12, 14, 15, 17 (a) and (b), 18, 19 (a), (b), (c), and (d), of Division II;

3. In that Items 35 (a), (b), (c), (d), and (e), Division II, do not state the dollar returns for the smallest interest being offered under this sheet;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 17th day of October, 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding commence on the 3rd day of October 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2318—Filed, September 21, 1936; 12:40 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MARATHON-DAHL FARM, FILED ON SEPTEMBER 12, 1936, BY W. E. COOK, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore, alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that the required original signature to Division II is omitted;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of October 1936 at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission, FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2312—Filed, September 21, 1936; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CARTER-TERMINAL FARM, FILED ON SEPTEMBER 14, 1936, BY GENERAL INDUSTRIES CORP., LTD., RESPONDENT

SUSPENSION ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that Item 13, Division II, states "the entire field has proven to be one of the most prolific ever discovered anywhere"

2. In that in Item 13, Division II, the producing formations and the other fields used for comparative purposes are not named;

3. In that in Item 13, Division II, nothing is said about the North extension and the initial pressures in that area;

4. In that in Item 13, Division II, the ultimate recovery of oil per acre that is usual in most fields is not stated;

5. In that in Item 13, Division II, it is not stated that there are comparatively large areas in the field that have no wells;

6. In that in Item 13, Division II, it is stated "operators expect the recovery per acre to be comparatively high"

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of October 1936, at 11:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission,

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 2310—Filed, September 21, 1936; 12:38 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-HAYES HIGHLAND RUSSELL FARM, FILED ON SEPTEMBER 14, 1936, BY R. E. PITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Item 13, Division II, it is stated "it now appears that this (North) extension is proving to be one of the best and most prolific areas in the entire field";

2. In that in Item 19, Division II, it is stated that it is impossible to furnish an engineer's report as porosity and saturation tests are not available; yet proceeds to state circumstances upon which a comparative estimate might be made;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day

of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of October 1936 at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2313—Filed, September 21, 1936; 12:39 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September A. D. 1936.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE BRITISH-AMERICAN-ROANOKE-POWELL FARM, FILED ON SEPTEMBER 14, 1936, BY R. E. FITTS, RESPONDENT

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) OF THE COMMISSION AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein is incomplete or inaccurate in the following material respects, to wit:

1. In that in Item 13, Division II, it is stated "It now appears that this (North) extension is proving to be one of the best and most prolific areas in the entire field";

2. In that the answer to Item 19, Division II, indicates within itself that a comparison of other wells in the tract might well be made;

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, suspended until the 19th day of October 1936, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension shall be revoked or continued; and

It is further ordered, that John H. Small, an officer of the Commission be, and hereby is, designated as trial examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 5th day of October 1936, at 10:00 o'clock in the forenoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said examiner may designate.

Upon the completion of testimony in this matter the examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 2311—Filed, September 21, 1936; 12:33 p. m.]

Wednesday, September 23, 1936

No. 137

POST OFFICE DEPARTMENT.

AMENDMENTS TO APARTMENT HOUSE MAIL RECEPTACLE REGULATIONS

SEPTEMBER 15, 1936.

The instructions appearing in the Postal Bulletin issue, April 14, 1936, under the caption "Apartment House Mail Receptacles", amending Article 11 of the Department's apartment house mail receptacle regulations and instructions pamphlet by the addition of paragraph 2, are hereby revoked.

Articles 10 and 11 of the apartment house mail receptacle regulations are amended as follows:

Article 10 is cancelled and the following Article 10 substituted therefor:

Mail receptacles shall be satisfactorily numbered or lettered (preferably the former) in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail. A receptacle should be provided for the delivery of mail to the resident manager, if any, and the janitor.

Article 11 is amended by the addition of the following paragraphs:

In all apartment houses where there are twenty-five or more receptacles, a complete alphabetical directory of all persons receiving mail shall be maintained and kept corrected to date. Where the receptacle number and apartment number are the same, the number shall appear to the left of the name and when the apartment number is different from the number on the receptacle, this number shall also appear to the right of the name. The same arrangement shall be followed where apartments and receptacles are either lettered or lettered and numbered.

The directory shall be prepared by the use of large legible type, suitably framed and attached to the wall immediately above or to the side of the mail receptacles. No particular style of frame is required. In all cases where an attendant, such as telephone operator, doorman or elevator conductor, is on duty between the hours of 7:00 a. m. and 11:00 p. m. and mail is delivered to either approved apartment house mail receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available for use by the carrier or special delivery messenger on request.

Where an apartment house is divided into units with separate entrances and twenty-five or more receptacles are installed to the unit, a separate directory shall be provided for each unit. In addition, where mail is not generally addressed to the specific units, a directory shall be kept at the main unit of the apartment, listing all persons receiving mail in the various units.

[SEAL]

J. M. DONALDSON,

Acting First Assistant Postmaster General.

[F. R. Doc. 2327—Filed, September 21, 1936; 1:12 p. m.]

NATIONAL LABOR RELATIONS BOARD.

[Case No. R-33]

IN THE MATTER OF AMERICAN TOBACCO COMPANY AND TOBACCO WORKERS' INTERNATIONAL UNION, LOCAL NO. 192

NOTICE OF HEARING

A petition of intervention having been duly filed by the International Association of Machinists requesting that the Board amend Appendix A attached to its decision in the